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NOMINATIONS—APRIL-MAY

HEARINGS

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

APRIL 30, 1987

JAMES L. KOLSTAD, TO BE A MEMBER, NATIONAL TRANSPORTATION SAFETY BOARD

MAY 18, 1987

WILLIAM L. HANLEY, SHEILA B. TATE, ARCHIE C. PURVIS, HARRY O'CONNOR, AND MARSHALL C. TURNER, JR., TO BE MEMBERS, BOARD OF DIRECTORS, CORPORATION FOR PUBLIC BROADCASTING

Printed for the use of the
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JAMES L. KOLSTAD TO BE A MEMBER, NTSB

THURSDAY, APRIL 30, 1987

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION,
Washington, DC.

The committee met, pursuant to notice, at 9:30 a.m., in room SR-253, Russell Senate Office Building, Hon. Wendell Ford presiding.

Staff members assigned to this hearing: Steve Palmer and Harris Livingstain, professional staff members, and Macky Ayers, minority professional staff member.

OPENING STATEMENT BY SENATOR FORD

Senator FORD. Good morning, ladies and gentlemen. I have an opening statement for the record, and then I will proceed with the distinguished minority whip this morning.

In today's hearing, the Aviation Subcommittee is conducting one of its most important functions. The consideration of an individual to become a member of the National Transportation Safety Board is an important element in the equation of transportation safety.

The National Transportation Safety Board is entrusted with the responsibility of determining the causes of transportation accidents and then making safety recommendations based on these determinations. Spelled out by the Independent Safety Board Act as a truly independent body which reports to the Congress on matters pertaining to safety, the NTSB is a model for the organization of safety efforts within the Government, as well as in private industry.

Being a member of the NTSB requires an expertise in a variety of transporation subjects. This committee must be truly convinced that each nominee to the Board possesses the qualifications necessary to properly execute the responsibilities demanded by the position. This is dictated by our paramount concern for the safety of the traveling public.

Mr. Kolstad is seeking to fill the vacancy currently existing on the Board which was created when Donald Engen became Administrator of the FAA. I look forward to Mr. Kolstad's testimony and the responses to the questions which this committee may ask.

Senator Simpson, we're delighted to have you. If you will proceed with your statement, we will get to the nominee.

STATEMENT OF HON. ALAN SIMPSON, U.S. SENATOR FROM WYOMING

Senator SIMPSON. Mr. Chairman, thanks for your courtesies. Those have always been extended to me since I came to this place, and I appreciate that, and I will be very brief.

It is a sincere honor and privilege to introduce Jim Kolstad to the Members of the Committee as a candidate for membership on the National Transportation Safety Board.

I have been involved in contact with him for the past three years or more. I very steadfastly and consistently have supported his nomination for membership on the Board.

Here we are in an area of intense public interest and concern, as the media shows us, live and in vivid color, the ghastly results of human error and neglect that can occur in locomotives, the cockpit of aircraft, control towers, and various stages of construction of transportation vehicles.

And as we watch this probing and sifting analysis, we wonder who the people are that are doing that. And the bottom line of all activities at this particular agency is probable cause, and to propose changes that will reduce the chances of a similar occurrence.

And because of that heavy responsibility, I think we have to have uniquely qualified people. I don't think we've always had those on this board. And I express, therefore, my hearty endorsement of Jim Kolstad.

He knows the territory, Mr. Chairman. He served as senior director of communications and public affairs for Frontier Airlines; worked with the Civil Aeronautics Board; served the Vice President of the United States as executive assistant for intergovernmental relations; and worked also as secretary to John Volpe at the Department of Transportation.

He has walked the walk, instead of talked the talk. And he has a fine reputation. He brings a tremendous wealth of experience to this country, enthusiasm for systems, and an intense interest to do the job.

That I think is the most important thing, Mr. Chairman. This man wants to go to work, and is ready to go to work and do the things that are necessary.

He is very sensitive to the delicate balances and compromises and the things that are designed to ensure high safety standards without inducing burdensome overregulation.

So he will be a valuable and productive addition, Mr. Chairman; I know that. And my personal support for him has never wavered in the three years he has sought this nomination.

Nor has his desire to take on the tough ones ever waned at all.

He has a fine, uncommon degree of commonsense. And he will delegate as well as assume reponsibility. He will do that well. He has never hesitated to go the extra mile in meeting his own personal and professional goals.

So I commend him to this committee, and urge his swift confirmation as a member of the NTSB. And we will—I believe you will find, too, Mr. Chairman, you will be proud of his service. And the public will be well served.

He's a fine choice to the task. And any additional comments I will insert in writing in the record to accommodate your kind accommodation of me.

Senator FORD. We appreciate your being here in support of Mr. Kolstad this morning, and we look forward to a very brief time this morning and an expedited procedure as it relates to this.

Since you said he wants to go to work, we want to put him to work, too.

He may be loading you up a little more than you want this morning, but that's typical.

Thank you very much, Alan. We are delighted to have you this morning.

[The statement follows:]

STATEMENT OF HON. AL SIMPSON, U.S. SENATOR FROM WYOMING

Mr. Chairman, it is my very sincere honor and privilege to introduce Jim Kolstad, a nominee for membership on the National Transportation Safety Board, to the members of the Committee on Commerce, Science and Transportation.

Since Don Engen, our fine Administrator of the Federal Aviation Administration, vacated his NTSB seat some three years ago, I have steadfastly and consistently supported Jim's nomination for membership on the Board.

Mr. Chairman, we are all aware of the intense levels of public interest and concern that are now focused on the safety of our national transportation systems. The news media covers public transportation accidents most aggressively. Television shows us—live, and in color—the ghastly results of the human error or neglect that can occur in the cabs of locomotives, the cockpits of airplanes, in control towers, and during the various stages of construction and assembly of public transportation vehicles, vessels and airplanes. We know, with shocking reality, what happens when the electronic and mechanical systems meant to control and guide those vessels fail to do so.

The public follows the "probing and sifting" and analysis undertaken by talented and dedicated NTSB accident investigators, and awaits their determination of how such a tragedy could have occurred. The mid-air collisions in southern California and near Salt Lake City, and the AMTRAK accident near Baltimore, are recent examples. There are far too many others.

The "on-the-scene" activities of the professional NTSB staff are important and high-profile. But the most critical work is that undertaken after the vivid flash of televised coverage begins to fade from memory, when technical staff efforts result in determinations of "probable cause", and in the proposed changes that will reduce the chances of a similar occurrence. That is the important "bottom line" of all activities at the NTSB.

After the technical work has been completed, and the recommendations written, it is the members of the Board who then bear the responsibility of adopting or rejecting the "probable cause" determinations. It is the members of the Board who actually issue the resulting recommendations. Because theirs is a heavy responsibility, I believe it is absolutely crucial that each and every member of the Board be uniquely qualified to exercise those duties. And it is because of my strong concern and interest in matters of public safety that I express to you my hearty endorsement of Jim Kolstad for NTSB membership.

Jim's qualifications include more than six years with Frontier Airlines, most recently as Senior Director of Communications and Public Affairs, more than five years with the Civil Aeronautics Board and extensive experience as Executive Assistant to the Vice President for Intergovernmental Relations and related assignments. Jim also worked for nearly three years for Secretary Volpe at the Department of Transportation in Congressional and Intergovernmental Relations.

Jim Kolstad has earned a fine reputation in the transportation industry, and brings a great wealth of experience and his consistently high levels of enthusiasm, persistence, and intense interest in transportation safety to this job. He knows that members of the NTSB must demonstrate a thorough understanding of public transportation's central role in American life. He has a keen sensitivity to the delicate balances, the necessary compromises, designed to assure high safety standards without inducing burdensome overregulation.

I know that Jim Kolstad will prove a valuable and productive addition to the NTSB—in the full range of its activities. My support for him has never wavered in the three years he has sought this nomination—nor has his desire to take on the task ever waned. He demonstrates an uncommon degree of common sense, assumes as well as delegates responsibility, and has never hesitated to go the "extra mile" in meeting his own personal and professional goals.

I commend Jim Kolstad to this Committee and urge his swift confirmation as a member of the NTSB. We will be proud of his service, and the public will be well served by him.

Senator FORD. Mr. Kolstad, if you want to proceed with your statement we will move right along.

[The biographical sketch follows:]

A. BIOGRAPHICAL DATA

1. Name: Kolstad (Last) James (First) (Other)

Address: 14306 E. Baltic Place (Current residence) Aurora, CO 80014

5613 DTC Parkway, Suite 700 (Business) Englewood, CO 80110

2. Position to which nominated: Member, NTSB

Date of nomination: January 24, 1987

3. Date of birth: March (month) 3 (day) 1939 (year)

Place of birth: Washington, DC

4. Marital status: Divorced

Full name of Spouse:

5. Names and ages of children: Katherine 18

6. Education:

Institution	Dates attended	Degrees received	Dates of degrees
Montana State College	1956-1957	--	--
University of Montana	1957-1960	B.A. Journalism	
University of Maryland	1965	--	--

7. Employment record: List all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

From	To	Name of employer	Address	Type of work
4/86	Present	The Pat Thompson Co.	5613 DTC Pkwy. Englewood,CO 80111	Communications Brokerage
1/86	4/86	Consultant to Frontier Airlines	978A Ivory Cr. Aurora,CO 80017	Federal Relations
9/85	1/86	Consultant to Amerado Productions	1380 Lawrence St. Denver,CO 80204	Marketing/Sales Promo.
1/85	9/85	Consultant to Skybus, Inc.	3333 Quebec St. Denver,CO 80207	Federal Relations
5/78	1/85	Frontier Airlines	8250 Smith Rd. Denver,CO 80207	Public Affairs
4/73	5/78	U.S. Civil Aeronautics Board	Washington, DC	Office Dir.
11/72	4/73	The White House	Washington, DC	'73 Inaugural Committee
8/72	11/72	The White House	Washington, DC	Presidential Advanceman
1/72	8/72	Office of Vice Pres. of the United States	Washington, DC	Executive Assistant
3/69	1/72	US Dept. of Transp. Office of Secretary	Washington, DC	Office Dir.
11/68	3/69	Ofc. of Rep. James Battin (R-MT)	Washington, DC	Volunteer
7/68	11/68	Richard Smiley	5000 N. 45th Pl. Phoenix,AZ 85018	Political Campaign
2/67	7/68	National Forest Products	1619 Mass. Ave. Washington, DC	Press Relations
5/64	2/67	American Trucking Association	1616 P St. Washington, DC	Public Relations

4/62	3/64	U.S. Navy	Newport, R.I.	
2/61	4/62	The Spokesman Review	Spokane, WA	Reporter
6/60	2/61	Bullocks Downtown	7th & Hill L.A., CA	Asst. Buyer

8. Government experience: List any experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary, or other part-time service or positions.

Federal: U.S. Navy 1962-1964
U.S. House of Representatives 1968-1969 - Office of Cong. Jim Battin
U.S. Dept. of Transportation 1969-1972 - Office of Congressional Intergov. Relations
Office of the Vice President of the U.S. - 1972 - Intergov. Relations
U.S. Civil Aeronautics Board 1973-1978 - Community & Congressional Relations

State: Governor's Advisory Committee on Budgeting & Forecasting 1985-1986

9. Political affiliations activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last 10 years.

1986 - Hal Krause (R) for Congress - volunteer work

1984 - Republican National Convention - volunteer to the chairman

1983 - contribution - Dick Lamm (D) for Governor

1982-1985 - Chairman, Frontier Airlines Political Action Committee

1980 - Reagan for President Committee - volunteer advance work

10. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, charitable, and other organizations.

Trustee - Acro Club of Washington - 1976-1977

Denver Chamber of Commerce - 1970-1984

Designated Alternate - Colorado Forum - 1983-1984

Metropolitan Club of Denver - 1986-1987

Governor's Advisory Committee on Budgeting & Forecasting 1984-1985

Stapleton Task Force Committee of the Denver Chamber - 1983-1984

Light Rail Task Force of the Denver Chamber 1983

11. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognitions for outstanding service or achievement.

CAB - Outstanding Performance Certificates 1974, 1975, 1976, 1977

Outstanding Achievement Award - Montana State Society 1977

12. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials you have written.

1975 - Co-authored, with a member of my staff at the CAB, a publication entitled "Understanding the CAB." Purpose was to provide a reference document for communities, individuals and corporations on the process followed by the CAB for docketed matters. Published internally. Wrote two or three articles for industry trade publications while at the CAB but can't recall their title or in what publications they were published.

STATEMENT OF JAMES L. KOLSTAD

Mr. KOLSTAD. Good morning, Senator Ford.

I am sincerely honored to be nominated to fill the remaining vacancy on the National Transportation Safety Board.

As Senator Simpson stated, it was more than three years ago that I first expressed my desire to be considered for this position. I am very enthusiastic about the possibility of participating in the mission of the NTSB and making a valuable contribution.

Here is the basis of my desire for this position. First, I consider the Board's investigative responsibilities a fascinating and critically important endeavor.

Secondly, I believe that my 18 years of experience with transportation policy, procedures and vehicles in both public and private enterprise settings would be of significant benefit to the board.

Third, it is my view that the National Transportation Safety Board has enjoyed a reputation for being one of the best and most professional agencies in government.

It is an agency known for the quality of its product and the technical skill of its staff.

The public is explicit in its demands for the highest level of safety and transportation in interstate commerce, as passengers aboard aircraft, trains, buses, or seagoing vessels, the public places ultimate trust and confidence in the manufacturers, owners and operators that they will arrive safely at their destinations.

I believe the public also expects and deserves the same high level of competence from the public officials charged with transportation safety oversight responsibilities.

One of the qualities I would bring to the board is considerable experience in the field of communications. In this regard, I hope to enlarge the Board's already considerable efforts to pursue effective communications with a broad cross-section of public and private transportation representatives.

The purpose will be a fuller understanding of both the problems and potential solutions from each of the modes. As part of this dialogue with the public, I think it is also important to communicate safety accomplishments.

The NTSB's effort to find an accident minimum through today's technology, skills and imaginative ideas is a mission which is challenging, exciting, and perpetual in its need.

It would be a privilege to serve the nation as a member of this Board, Mr. Chairman, and I will be happy to answer any questions at this point.

Senator FORD. Thank you very much, Mr. Kolstad.

I have two or three questions here that might be of some interest, and probably should be in the record.

As you are well aware, the National Transportation Safety Board conducts investigations of transportation accidents which are inherently technical, and require an expertise in several areas of the transportation industry.

With respect to your background in government affairs and public relations, how has this experience prepared you in conducting and managing these investigations?

Mr. KOLSTAD. Well, Senator, first, inasmuch as the Board is a collegial body, I believe that each of the members brings their own special skills and background that I think is helpful in molding and leavening the board's product, which is the determination of probable cause, and the resultant recommendations.

I received broad transportation—the general background at the Department of Transportation, and then more concentrated knowledge at the Civil Aeronautics Board in economic regulation. Finally, at Frontier Airlines, in my role as the chief spokesman for the company, I had to delve into every aspect of the company on a daily basis in responding to questions from the news media, stockholders, members of the public, public officials, and employees.

Many of these questions related to safety. So I think that overall I bring a broad perspective to the Board in the handling of its processes.

Senator FORD. All right. Are you saying then to the committee that your public relations position with airlines gives you a better opportunity to determine why an accident occurred than some that may have had a technical experience?

Mr. KOLSTAD. No, sir, not at all. I'm not representing to you that I have—representing myself as a technically qualified member.

I believe that I am qualified under the alternative in the act that calls for experience in transportation regulation. I just believe that the broad background of having exposure to all of the modes in DOT, and then being in a communications role which forces knowledge in a variety of aspects, is a background that would be beneficial, particularly in communicating with the public.

Senator FORD. During your tenure at CAB and Department of Transportation, were you ever directly involved in the formulation of safety policy?

Mr. KOLSTAD. Senator, at Frontier Airlines, I was, I would say, indirectly involved in the formation of safety policy, because I sat in on all of the major marketing and major decisional meetings with respect to the operation of the company, as a member of senior management.

Senator FORD. You've stated, and I quote, that your practical business experience, end quote, makes you qualified for this position.

If confirmed as a member of the National Transportation Safety Board, what would you hope to contribute toward improving the way that NTSB operates, other than communications?

Mr. KOLSTAD. Well, Senator, I think that each of the members of course brings, as I mentioned before, their own special backgrounds and skills.

I think that my particular background and interest is in aviation and trucking, and to a lesser degree, railroads.

My expertise is in aviation. I would hope to bring, I think, the benefit of good judgment; the benefit of an open mind; and the benefit of objectivity to the board.

And I think that those are also qualities that are also important in addition to those of being technically qualified.

Senator FORD. The Chairman of the National Transportation Safety Board recently made a statement that significant restrictions on the amount of traffic should be imposed in the upcoming

months because the amount of traffic now being handled by air traffic control system, this restriction is beyond capacity.

Having worked in the airline industry, do you agree with Chairman Burnett's statement?

Mr. KOLSTAD. Well, Senator, I certainly agree with Chairman Burnett's position of flagging what he views as a potential decrease in the margins of safety.

I'm just not familiar enough with the options that he had available to him to know whether or not the methodology he suggested is the only one.

But I certainly applaud his flagging to the Congress and to the public and to the industry that we have a potential decrease in the margin of safety.

Senator FORD. You have stated that your position with Frontier Airlines gave you an opportunity to communicate with the public to delve into all aspects of the airline.

Therefore with this experience and background, I would hope that you would have a position of the statement by Chairman Burnett that we should reduce the amount of traffic until our system can adequately handle it.

Mr. KOLSTAD. Well, if the delay became so serious, Senator, that it began to affect vast numbers of passengers, then I would think that the airline would take steps on their own.

If they don't take steps on their own, then I strongly endorse the Chairman's action in making a formal recommendation that some action of that nature take place.

Senator FORD. Your experience in the airline industry provides you with a unique perspective from which to view the damaging effects of extensive regulation.

Now, in light of this opinion, what is your position concerning the government's role in regulation safety?

Mr. KOLSTAD. Well, Senator, in the first place, when I made that comment, I was referring principally to scheduling and operational limitations.

Senator FORD. Well, tell me how you can get five airplanes off the ground at the same time by the same airline? You can walk down and look over the counter, and they're all leaving at 5:20 p.m. going to five different places?

You just pray that you're called first instead of last, so you won't be 30 minutes late. Now tell me about that one.

Mr. KOLSTAD. I certainly agree with you, Senator. And of course, we've all experienced that, and I have too. And I can't sit here and endorse that practice.

I didn't mean to imply that by economic deregulation that I thought there should be any removal whatsoever of transportation safety oversight, because I don't.

I think it's an extremely important part of transportation safety and aviation safety.

And with respect to the government's role, I think that the government should be the public's advocate, that is, an oversight role that ensures that the decisions of transportation companies maintains and promotes adequate safeguards.

Senator FORD. Well, don't we have some responsibility to those who pay an 8 percent ticket tax that we give them not only adequate facilities but safe airways?

Mr. KOLSTAD. You bet.

Senator FORD. Do you believe that we ought to spend more or less out of the trust fund than we had been spending in the past as it relates to facilities and safety?

Mr. KOLSTAD. Well, Senator, as a matter of national policy, I don't know. I personally think that there is a need for more money.

I can tell you in Denver, I know you were just out in Denver, there certainly is a need for more concrete in Denver.

Senator FORD. Well, they're getting ready to spend up to $400 million on the old airport, and they're looking at a billion and a half ten miles out for a new airport which will require about 35,000 acres.

We sit here with $5 billion surplus in the trust fund, and won't spend it.

Mr. KOLSTAD. I recognize that.

Senator FORD. We are not spending any of the trust funds, but we sure are using the trust funds to make the deficit look good.

So I am beginning to think, if you are not going to spend it, don't tax them.

Would you agree with that?

Mr. KOLSTAD. Senator, I am aware of proposals in that regard that you—I think that you rebate taxes back. But I just don't have enough information on which to comment what should be done in that regard.

Senator FORD. With respect to the motor carrier and rail industries, how can the National Transportation Safety Board ensure that these modes of transportation achieve a high standard of safety?

Mr. KOLSTAD. Mr. Chairman, I think there are a couple of initiatives that I think should be undertaken. One is, in the area of motor carrier safety, I think that there is a strong need for national driver licensing and medical certification program.

I also think that there is a need for more development of an antilock braking system for trucks.

I think there is a need for more thorough and frequent vehicle inspection of trucks.

In the rail area, I think there is a need for review of the duty rest and training programs with respect to signalmen, brakemen, firemen and engineers. And I think that there is also some need for improved communications in the rail industry, and for perhaps a review of the crash-worthiness of rail cars.

Those are some that come to mind.

Senator FORD. With regards to all modes of transportation, and the public's demand for increased safety, do you think that the Transportation Safety Board is adequately funded to meet those demands? We need to respond to these demands. That is the reason we are here.

Mr. KOLSTAD. Senator, I'm not really sure. With all due respect, I simply am not familiar enough with what the allocations and priorities of spending are at the board.

I would be more than happy, if confirmed, to respond to that question fully after discussions with the Chairman and the other members and the staff as to how they're allocating resources, and where the shortages might be.

Senator FORD. Do you have any objections in the future to coming back before the committee to discussing certain areas of concern with it, once you're confirmed?

Mr. KOLSTAD. Absolutely not.

Senator FORD. I would hope you would look at the problems of the National Transportation Safety Board. I have a great deal of confidence in the chairman, and have been impressed with him more and more all the time.

And you would not have any hesitancy, based on his statement today, if you agreed with him, to support him as it related to the airline industry, for instance?

Mr. KOLSTAD. Absolutely not. Absolutely not.

Senator FORD. I don't know whether any other Senator may have a question. I haven't been given any, but we will leave the record open for a few days to allow them to submit questions to you.

If you receive any questions please expedite the answers. It would be helpful to all of us concerned, and to your confirmation.

Mr. KOLSTAD. I certainly will, Senator.

Senator FORD. Thank you for being such a good witness this morning. And we look forward to working with you.

Mr. KOLSTAD. Thank you.

Senator FORD. Thank you very much.

So this committee is adjourned.

[Whereupon, at 9:55 a.m., the committee adjourned.]

[The following information was subsequently received for the record:]

PREHEARING QUESTIONS OF THE MAJORITY AND THE ANSWERS

Question 1. Mr. Kolstad, your response to the Committee questionnaire stresses that your "practical business experience" makes you qualified for this position. However, it appears that most of this experience has been the public relations area. In view of this, why do you think you meet the qualifications for this position?

Answer. There are many characteristics and background professional achievements which each and every prospective Member brings to the Board. I think the position best embraces the public's interest if filled by persons who have had a practical working experience in the management of transportation whether it be public or private enterprise experience. I received broad general exposure to each of the transportation modes during my tenure at the D.O.T. and later benefited from concentrated knowledge of aviation regulation at the CAB.

In addition, I have the advantage of almost seven years of private enterprise experience at Frontier. This is an important element in providing me with an in-depth view of nearly all aspects of this transportation company because of my communications position. This experience at Frontier, having to communicate to the news media, employees, stockholders and the general public, the answers to daily questions, including safety questions, provides a solid basis for understanding the issues and problems associated with the aviation industry.

Question 2. The Independent Safety Board Act of 1974 requires that no less than 3 members of the NTSB have experience in accident reconstruction, safety engineering, human factors, or transportation safety regulation. Do you believe that your confirmation would come within this requirement?

Answer. I believe that most persons believe that each of the Board's four current Members falls within the scope of those who have the experiences detailed in the Act either by virtue of their tenure and previous experience at the Board or by virtue of their demonstrated technical qualifications and professional achievements. In terms of my own experiences and achievements, I bring to this potential position

an extensive background in transportation and I believe my qualifications meet the statute's provision which requires, alternatively, a background in transportation regulation.

Question 3. Do you believe that individuals responsible for making recommendations concerning the safe operation of our various transportation industries should be required to have either some work experience or educational background in transportation safety?

Answer. I believe individuals responsible for making safety recommendations should have some practical experience in one or more transportation modes and that the experience should be transferable to transportation safety. It is certainly important that the Board include members who are technically qualified but I think it is also important that the Board comprise members who are open minded, objective, inquisitive and able to work with the staff in formulating safety policy and translating it into action. It is important also that the members must be willing to work cooperatively with all sectors of the transportation industry and be able to communicate clearly with the public.

Question 4. What areas of transportation safety do you consider as deserving top priority? In what areas of transportation safety do you take a special interest?

Answer. Each of the transportation modes has its own focal points. They all need attention, and the fact is, priorities change. Some of the more pressing needs include in the Highway mode, the development and implementation of a national program for licensing and medical certification of commercial drivers; for Rail, development and implementation of programs for training, and the rest and duty times of engineers, brakemen, signalmen, and dispatchers. In aviation, there is an urgent necessity for cockpit voice and digital flight data recorders for commuter aircraft. These programs will all be of special interest for me.

Question 5. You have been involved in both the conception and implementation of airline deregulation. Do you believe that deregulation has led to any significant reduction in safety? Please elaborate.

Answer. The statistics don't suggest any reduction in safety following deregulation. Actually, the statistics, taken alone, suggest the skies are generally more safe, but statistics don't tell the whole story. For example, there has been an increase in the number of near midair collisions and operational errors. The system is being utilized much more following deregulation and some new problems have been created which the framers of the law could not have foreseen. For example, it appears the practice of "hubbing" is contributing to severe delays, and it presents a potential safety problem because of the congestion of the terminal airspace. But whether safety in general has deteriorated, or whether deregulation is the deciding factor is unclear. What is clear is that the Board needs to be continually vigilant in detecting and flagging decreases in the margins of safety.

Question 6. In the past, private accident specialists have been frustrated in their attempts to contribute to NTSB investigations. They assert that time and money could be saved if they were allowed to participate. What is your view on the role this group should play in such investigations?

Answer. I know that in the past representatives of these groups, particularly insurance investigators, have testified on this point before this Committee. I understand their concerns. However, I agree with the Board's policy that only those persons and organizations who can add technical expertise not otherwise available within the Board shall be allowed to participate. The granting of party status to organizations whose primary purpose is to seek protection from liability not only has the potential for compromising the Board's objectivity but could also result in the appearance of compromise.

Also, it is important to remember that the Board does not deny access to the facts developed in an investigation. Since all facts are made available to any person who seeks them, the needs of private investigators can be met without jeopardizing a thorough, unbiased investigation.

Question 7. Although regulatory change has occurred based on NTSB recommendations, many have commented that this is done too infrequently. Should NTSB recommendations be mandatory? Please justify your response.

Answer. I do not believe that NTSB recommendations should be mandatory. One of the reasons that the NTSB can be so objective and thorough is that it does not have to sit in judgment of its past actions. I think it is critically important that the Board maintain its objectivity and independence in its investigations and recommendations. To mandate the Board's recommendations, in my view, would compromise that objectivity.

Question 8. There is great concern that the NTSB has not received the necessary funding in order to adequately perform its responsibilities. In your opinion, how

should the NTSB best allocate its resources? For example, what type of accident investigation should be given priority?

Answer. With all due respect, I feel it would be premature to suggest an allocation of resources without benefit of discussions with the Chairman and the other Members of the Board. I do not have available the type of personnel information and understanding of the internal workings of the Board to make a judgment on resources at this time. If confirmed, I would be pleased to respond to this question at a later date when I can speak from some knowledge and experience of detailed Board operations.

Question 9. In response to the Committee questionnaire, you state that your experience in the airline industry has provided you a unique perspective from which to view the damaging effects of extensive operational and economic regulation. How does this belief relate to your statement that you are "convinced of the need for properly conceived and fairly implemented safety regulations?" Please explain your position concerning the government's role in regulating safety.

Answer. I am very much in favor of the economic deregulation of the airline industry. I did not intend to imply that by operational regulation I meant issues related to maintenance, safety, or the like. I was referring primarily to scheduling requirements. Economic deregulation, however, doesn't negate the need for continued government oversight of transportation safety and for conscientiously exercised safety regulations. I am not aware of any claims by the public or those being regulated that the government is being heavy-handed or is over-regulating transportation safety. The role of the government is, I think, to be the public's advocate: an oversight role which assures that the business decisions of transportation companies also foster and maintain effective safeguards.

Question 10. What initiatives do you believe should be undertaken with respect to the motor carrier and rail industries to better promote safety?

Answer. I had previously mentioned that I believe the development and implementation of a national licensing and medical certification program for commercial drivers is an important issue, one which has the potential for yielding some significant improvements. Other important issues include the frequency and thoroughness of vehicle inspections, and antilock brakes for trucks. In rail industries, in addition to the programs noted earlier, initiatives are needed for improved radio communications, and improved crashworthiness of passenger cars.

Question 11. What are your views about requiring transportation industry employees in safety-sensitive positions to be subjected to mandatory random testing for drug and alcohol use?

Answer. This is a very complex problem. I clearly recognize the necessity of identifying and removing from the system those chemically dependent persons who are in safety-sensitive positions. There are many uncertainties about the reliability of the tests and how best to develop a reasonable, yet effective, method for sampling employees. I do not yet have enough information to draw any conclusions on a method to be applied uniformly across the country.

Question 12. Mr. Kolstad, in your response to the Committee questionnaire, you listed that on several occasions you performed various functions for the White House. Can you explain your duties and responsibilities in those various capacities?

Answer. There are two separate functions involving my work for the White House—the Office of the Vice President for Intergovernmental Relations and the Scheduling and Advance office of the White House. In the Office of Intergovernmental Relations, I was assigned liaison responsibilities with the Departments of Transportation, Labor and Commerce for the purpose of assisting Governors and Mayors with federal programs of these agencies.

For the scheduling and advance office I traveled to locations throughout the Nation and to several foreign countries to arrange for President's appearances. Responsibilities included writing schedule proposals based on White House input and input from a team involving military aides' offices, the Secret Service, White House Communications Agency and other staff advance personnel. In foreign countries, this function also involved working with foreign government officials and the U.S. embassies for these countries.

Question 13. Additionally, Mr. Kolstad, you have stated that you worked for various task forces and advisory committees. Please explain the type of work you performed with these groups. Who appointed you to these positions?

Answer. These advisory committees and task forces were all non-compensatory and involved either the State of Colorado or the Denver Chamber of Commerce. I was appointed by former Governor Richard Lamm to the Governor's Advisory Committee on Budgeting and Forecasting. This committee was comprised of persons from banking, retail, oil and gas, construction and airline companies who met to-

gether with the Governor's staff once per quarter and reports were given on trends that might affect the State's revenues and expenditures.

The Stapleton and Light Rail Task Forces consisted of about twelve persons each and met monthly to discuss the expansion of Denver's Stapleton Airport and construction of a light rail system for the Metropolitan Denver Area. I volunteered to serve on both of these task forces.

Question 14. What were your duties and responsibilities when you were employed by Frontier Airlines and Skybus, Inc.?

Answer. At Frontier, as Senior Director of the merged offices of corporate communications and government and public affairs, I reported to the president and directed a staff. I was chief spokesman for the company with the news media and with public officials at all levels. The position also involved directing the company's employee communications investor relations and active liaison with commuter carriers replacing us in the system's smaller communities. I also actively participated in efforts to seek landing slots in Orange County, California, and a solution to the desire for more service and less noise in Jackson Hole, Wyoming, the only airport partially located within a National Park.

At Skybus, I was employed as a consultant to assist legal efforts with the U.S. Department of Transportation to receive a 401 certificate and Denver-London operating authority. I also pursued efforts through the FAA for landing slots at Chicago's O'Hare for Skybus.

Question 15. Mr. Kolstad, you are presently employed by Pat Thompson Company. What type of business is this firm involved with, and what are your duties and responsibilities?

Answer. The Pat Thompson Company is a communications brokerage firm headquartered in Denver. As a Vice President, I am one of five principal officers of the company. Responsibilities include locating cable television properties for sale and preparing system analyses, operational summaries, technical reports, and cash flow projections in the form of a presentation for potential buyers. This brokering process also includes participation in franchise transfers, negotiations and closing of cable properties. My involvement in this corporation resulted from an offer to join the firm by the owner and hometown friend, Pat Thompson.

Question 16. Do you own any stock, bond, or debenture, option to purchase stock, bond, or debenture or any other ownership interest in any corporation, partnership, or other entity which may directly or indirectly benefit from your confirmation to the NTSB?

Answer. No.

Question 17. Recent tax returns indicate additional income from the Energy Management Corp. and the A, S, and W Agency. What type of business do these firms operate?

Answer. Energy Management Corporation is a Denver-based oil and gas exploration company which is a limited partnership in which my former wife had invested. A, S, and W is a partnership in which my former wife has a family interest. The partnership leases commercial real estate in Charleston, West Virginia.

ARCHIE PURVIS, MARSHALL C. TURNER, JR., SHEILA TATE, HARRY O'CONNOR, AND WILLIAM L. HANLEY, JR., TO BE MEMBERS OF THE BOARD OF DIRECTORS, CORPORATION FOR PUBLIC BROADCASTING

MONDAY, MAY 18, 1987

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The committee met at 2:05 p.m., in room SR-253, Russell Senate Office Building, Hon. Daniel K. Inouye presiding.

Staff members assigned to this hearing: Toni Cook, professional staff member, and Macky Ayers, minority professional staff member.

OPENING STATEMENT BY SENATOR INOUYE

Senator INOUYE. This afternoon's hearing will address the qualifications of five members for membership on the Board of Directors of the Corporation for Public Broadcasting.

The nominees are William Lee Hanley and Harry O'Connor, both seeking a second term; and Archie Purvis, Marshall Turner, and Sheila Tate, all seeking to be on the Board for the first time.

If this Committee and the full Senate decides to confirm these nominees, the 10-member Board would have only one vacancy.

The Senate Commerce Committee has a long history of support for our nation's public broadcasting system. Public broadcasting provides the American people with important informational and entertainment programming that has little or no chance of surviving in the commercial marketplace.

This fundamental underpinning for public broadcasting remains as true today as it did 20 years ago when we created our modern public broadcasting system. It is because of the importance of public broadcasting that the Committee takes great care in confirming members of the Board of the Corporation for Public Broadcasting, and it is from this perspective that the Committee will examine the five nominees before us today.

I welcome them on behalf of the Committee and look forward to hearing their views on our public broadcasting system and what they see as their role as a member of the Board of the Corporation for Public Broadcasting.

Senator Packwood?

Senator PACKWOOD. No statement, Mr. Chairman.

Senator INOUYE. It is now my great privilege and a happy honor to call upon my colleague, Senator Weicker.

I hope you are going to announce your candidacy for President.

Senator WEICKER. Everybody else has.

Or some wise guy in the back will say, "Which party?"

Senator INOUYE. It is your show.

STATEMENT OF HON. LOWELL P. WEICKER, JR., U.S. SENATOR FROM CONNECTICUT

Senator WEICKER. Thank you very much, Mr. Chairman, Senator Packwood.

It is with a great deal of pleasure that I appear before the Committee today to introduce William L. Hanley, who has been nominated to serve on the Board of Directors of the Corporation for Public Broadcasting. The Committee, I am sure, is well-acquainted with Mr. Hanley's credentials, as he appeared before the Committee in 1983 when he was initially nominated to the Corporation's Board of Directors.

I want to say that Lee is not only a resident of the state of Connecticut, but he is also a resident of my home town of Greenwich. So I have known him politically and personally and professionally and have just the highest opinion for this man.

I might add, we come from two rather different sides of the Republican Party, but why I admire Lee Hanley is very simple. He is a person of enormous integrity and really has very much surprised me, and I think many others, since he has taken over the chairmanship of public broadcasting.

I think he has brought creativity to it; I think he has looked in other directions as to where the funding might come from. In short, I think he has been an independent, outstanding Chairman; whereas, I think many felt that he might be getting his orders from somebody, or others. That has not been the case.

Lee Hanley speaks very clearly for what he believes in and is willing to listen to others in those areas where he has no expertise. So I very enthusiastically, on the basis not of a long political kinship, indeed exactly the opposite, but I speak very enthusiastically at having seen this man step into a difficult situation, give great ability to it, and maintain his own independence in the circumstances that exist.

I probably would not have been in the position I am in today two or three years ago at all. I would not have even been here. I would not even have gone through the pro forma, but I am here, not pro forma, but with enormous enthusiasm on behalf of a very, very fine individual and a man who I think has been an outstanding Chairman of the Corporation for Public Broadcasting. Not, I might add—not anybody's messenger boy. Not as one who espouses "a" philosophy, or as a "good Republican," but as a good Chairman, one dedicated to public broadcasting, to the benefits that it brings, and to this nation.

Again, I repeat with an enthusiasm from having watched this man grow, and grow to the benefit of the nation in the position, that I hope you will confirm him and confirm him expeditiously. He is a fine, fine person.

Senator INOUYE. I thank you very much.

Mr. Hanley, I am certain you know that in this body we have limited respect for our colleagues, not complete respect, but ever so often there comes across some person where we go beyond limited respect.

The man who just endorsed your membership on the Board is such a person. He gets involved in all sorts of controversies, controversies that he could have very easily stayed out of, but it is his nature that makes us respect him. If I were you, after receiving that endorsement, I would just say, "Thank you very much"—and keep your mouth shut.

But this is a free country.

I thank you very much, Senator.

Senator WEICKER. Thank you very much, Mr. Chairman.

Senator INOUYE. You are lucky to have him introducing you.

Did you want to say something?

Senator PACKWOOD. I do not.

Senator INOUYE. I will submit the biography's of each witness and Mr. Hanley, it is your show, sir. Do you have anything to say?

[The biographical sketch follows:]

(ONE HUNDRED TEN CONGRESS) CHAIRMAN
DANIEL K. INOUYE, HAWAII
JOHN D. ROCKEFELLER IV, WEST VIRGINIA
JOHN F. KERRY, MASSACHUSETTS
BYRON L. DORGAN, NORTH DAKOTA
BARBARA BOXER, CALIFORNIA
BILL NELSON, FLORIDA
MARIA CANTWELL, WASHINGTON
FRANK R. LAUTENBERG, NEW JERSEY
MARK PRYOR, ARKANSAS
TED STEVENS, ALASKA
KAY BAILEY HUTCHISON, TEXAS
OLYMPIA J. SNOWE, MAINE
JOHN ENSIGN, NEVADA
JIM DEMINT, SOUTH CAROLINA
DAVID VITTER, LOUISIANA
JOHN THUNE, SOUTH DAKOTA
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LILA HARPER HELMS, DEMOCRATIC STAFF DIRECTOR AND POLICY DIRECTOR

United States Senate

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

WASHINGTON, DC 20510-6125

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

(If more space is needed, please use attached REMARKS sheet)

A. BIOGRAPHICAL DATA

1. Name: HANLEY (Last) WILLIAM, JR. (First) LEE (Other)

   Address: 81 Butternut Hollow Road (Current residence) Greenwich, CT 06830

   420 Lexington Avenue - Suite #2018 (Business) New York, NY 10170

2. Position to which nominated: Member, Board of Director Corporation for Public Broadcasting
   Date of nomination: March 24, 1987

3. Date of birth: January 27, 1940 (month) (day) (year)
   Place of birth: New York, New York

4. Marital status: Married
   Full name of Spouse: Alice Hoffman Hanley

5. Names and ages of children: Mrs. Carroll Hilton - 23
   Nicole - 9
   Allison - 21
   Lee Merrill - 6
   Brooke - 15

6. Education:

Institution	Dates attended	Degrees received	Dates of degrees
Yale University	1958-61, 1963-64	B.A.	1964
St. Paul's School	1954-58	H.S. diploma	1958

7. Employment record. List all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

From	To	Name of employer	Address	Type of work
1964	1966	Hanley Company, Inc.	Summerville, PA	Management
1966	Present	Hanley Company, Inc.	New York, NY	Management
		------ Elected President 1971, Chairman 1974		
1980	Present	Black,Manafort,Stone & Atwater, Inc.,	Alexandria, VA	Partner

8. Government experience — List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other part-time service or positions.

Since 1984, Member, Board of Directors Corporation for Public Broadcasting - elected Chairman of the Board on November 14, 1986

Since 1982, Member of National Petroleum Council

1967-72, elected Member, Representative Town Meeting, Greenwich, CT

11. Honors and awards: — List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Since 1982,Honorary Life Trustee, Greenwich Academy

12. Published writings: — List the titles, publishers, and dates of books, articles, reports, or other published materials you have written.

None

13. Speeches: — Identify each speech which you have given during the past 3 years, the organization to which the speech was given, and supply two copies of each speech.

Various talks from notes before Republican Town Committees, Rotary Clubs, and Republican women's groups as part of the Reagan-Bush campaigns (1979-80).

14. Qualifications: — State what, in your opinion, qualifies you to serve in the particular position to which you have been nominated.

Obviously, serving on the Board and as Chairman of the Audit Committee has given me considerable knowledge about CPB--its organization and goals. This knowledge was added to greatly during my recent tenure as Chairman of the Board. My other qualifications come from several areas. My business background--from production and factory experience to sales and general management--has been an important asset, as well as my broad community and civic involvement. I have been involved in legislative activity, acted as planning committee chairman for Greenwich Hospital, and am currently on the board of the International Center for the Disabled, a leader in the field of rehabilitation. Together with work in the area of secondary education, these activities have given me a balanced perspective about both business and community needs. This background was important during my past tenure on the Board and would continue to be so during a new one.

STATEMENT OF WILLIAM L. HANLEY, JR.

Mr. HANLEY. I did not have a prepared opening statement, Mr. Chairman.

I would just say that it is a great honor to be here.

Senator INOUYE. I am just curious. What is Hanley Company?

Mr. HANLEY. It is a privately held firm engaged in two main businesses. One is oil exploration located in Texas, and the other is a small partnership in investment banking.

Senator INOUYE. The Budget Committee of the U.S. Senate just took action and, among the recommendations submitted to the Senate, one calls for this Committee to raise $600 million. This is not the kind of Committee that raises money.

One of the suggested areas of fundraising is the possibility of selling or auctioning off to the highest bidder licenses. What do you think about that?

Mr. HANLEY. Well, I do not have a firm opinion on that. I am a believer in looking for all sorts of different ways to fund public broadcasting, because I think with the budget going through one thing or another, it has been a difficult load to maintain the Federal funding that we have had.

I think there are areas, hopefully, in the private sector where we will be able to increase the funding. I have heard both sides of the argument, but not in great detail, and really at this point, Senator, it would be too early for me to come down on one side or the other.

Senator INOUYE. Thank you.

Senator DANFORTH. What is your platform? What do you bring to the Corporation for public broadcasting by way of thoughts for changing how things are done?

Mr. HANLEY. Well, I think probably two areas of experience come to bear. One, obviously, is my business experience. In fact, it [CPB] is an independent corporation and, as such, particularly as such, when you are involved with Federal funding, I have tried to see that we had the best possible systems in place to make sure that the Federal dollars were properly spent.

Also, I have spent a considerable amount of time in the area of health and rehabilitation. Both those areas require education, and I think really this becomes the heart of public broadcasting (i.e., education).

As you probably also are aware, I have been a major proponent of children's educational television, because particularly in the case as we know of *Sesame Street*, that it has proven to be a benefit, and particularly among disadvantaged children in giving them the head start they need for school.

I think our most recent series, which we helped initiate, Square One TV, is addressing the issue of math aimed at 9- to 10-year-olds, which is a very critical age for those children to get them interested in math and not look at it as a boring subject. In terms of competitiveness in the world, math, obviously, is extremely important.

Senator DANFORTH. Thank you.

Senator INOUYE. I thank you very much, Mr. Hanley.

Mr. HANLEY. Thank you.

Senator INOUYE. May I now call upon Ms. Sheila Tate.

[The biographical sketch follows:]

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

(If more space is needed, please use attached REMARKS sheet)

A. BIOGRAPHICAL DATA

1. Name: Tate (Last) Sheila (First) Marianne Burke (Other)

Address: 1913 Miracle Lane (Number and street) Falls Church, Virginia 22043

@ 1850 M Street, N.W. #900 (Business) Washington, D.C. 20036

2. Position to which nominated: Member of the Board of Directors of the Corporation for Public Broadcasting

Date of nomination: October 3, 1986

3. Date of birth: March 3, 1944 (month) (day) (year)

Place of birth: Washington, D.C.

4. Marital status: Married

Full name of Spouse: William J. Tate

5. Names and ages of children: Hager B. Patton 15 yrs. Courtney P. Patton 12 yrs.

6. Education:

Institution	Dates attended	Degrees received	Dates of degrees
Immaculate Conception Academy	1956-1958		
Falls Church HS	1958-1960	HS Diploma	
Duquesne University	1960-1964	BA in Journalism	
Univ. of Denver	1975-1976	Post graduate work in mass communications	

@ Business address as of May 5, 1987:

901 31st Street, N.W.
Washington, D.C. 20007

7. Employment record: List all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

From	To	Name of employer	Address	Type of work
2/1985	pres.	Burson-Marsteller	1850 M Street, NW Washington, D.C.	PR/Communicatio
1/1981	2/1985	The White House	Washington, D.C.	Press Secy. First Lady
1977	1981	Hill & Knowlton	1425 K Street, N.W, Washington, D.C. and Houston, TX.	VP/PR
1971	1977	Unemployed while raising children, attending graduate school.		
1968	1970	Colorado National Bank	Denver, CO	PR
1/1967	11/1967	Burson-Marsteller	Pittsburgh, PA	PR
1966	1967	Fahlgren & Assoc.	Parkersburg, WVA	PR
1965	4 months 1966	Ketchum, MacLeod & Grove	Pittsburgh, PA	Copywriter
6/1964	12/1965	Westinghouse Air Brake Co.	Pittsburgh, PA	PR

8. Government experience: List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other part-time service or positions.

1981 - Feb. 1985 Press Secretary to First Lady
The White House

9. Political affiliations activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last 10 years.

National Federation of Republican Women 1985-1986 Patron
Registered to vote in Virginia where no party designation is allowed.

10 Memberships — List all memberships and offices held in professional, fraternal, scholastic, civic, charitable and other organizations.

National Press Club - member

Young Audiences, D.C. Chapter, Director - non-profit arts education organization

National Women's Economic Alliance - Board of governors - professional organization.

11 Honors and awards — List all scholarships, fellowships, honorary degrees, honorary society memberships and any other special recognitions for outstanding service or achievement.

Woman of the Year, Pittsburgh Newswomen's Club, 1982

Duquesne University Century Club of Distinguished Graduates since 1982

Who's Who, Who's Who of American Women

12 Published writings — List the titles, publishers, and dates of books, articles, reports, or other published materials you have written.

Guest Column annually in Northern Virginia Sun

Sat., March 29, 1986

June 22, 1984

August 8, 1983

July 3, 1982

Fall, 1981

13 Speeches — Identify each speech which you have given during the past 3 years, the organization to which the speech was given, and supply two copies of each speech.

During the last three years, I have probably made 50+ speeches. I usually speak extemporaneously, occasionally from notes. Several samples of those notes and one formal speech are attached. I do not keep my notes. I have addressed numerous Republican Women's Clubs, business women's organizations, public relations/communications and news organizations. Recent speech dates:

October 6, 1986: MCI International Marketing Meeting, Spouses Program
Subject: Insiders View of the White House

September 19, 1986: Arthur Andersen & Co. Marketing Meeting
Subject: The Washington Press Corps

May 22, 1986: American Feed Industries/Politics & Women in Washington

January 7-18, 1986: Lecture series aboard Royal Princess Caribbean Cru

May 10, 1985: American Home Health Care Assn., Working with Media

March 6, 1985: Joske Department Store's Career Conference (notes provi

14 Qualifications — State what, in your opinion, qualifies you to serve in the particular position to which you have been nominated.

Based on 20 years of communications/media relations work, I believe I bring an understanding of the needs of the public broadcasting media and a desire to apply my knowledge and experience to this important entity.

Senator INOUYE. Welcome, Ma'am.

STATEMENT OF SHEILA TATE

Ms. TATE. Thank you.

Senator INOUYE. Mrs. Tate, Senator Trible wanted to be here to introduce you, but I sent him on a mission. As you know, he is on this Committee of ours, and he is out doing some investigation. So if you could just close your eyes and imagine that Paul Trible is introducing you.

Ms. TATE. I will do that.

Senator INOUYE.

Mr. Chairman, thank you for calling this hearing on the nomination of Sheila Tate to be a Director of CPB. I have known Mrs. Tate for many years and believe that she will serve with distinction as a member of the CPB.

Sheila Tate is a native Virginian, having lived most of her life in Northern Virginia. She has been a professional in the communications business since her college days. She graduated from Duquesne University with a degree in journalism and has done graduate work in mass communications at the University of Denver.

Her experience in public relations spans many years, and each time she has taken on greater responsibility. Her most visible position was that of Press Secretary to the First Lady from 1981 to 1985. From the White House she moved to the Washington, D.C., office of Burson-Marsteller, where she served as a Senior Vice President. Mrs. Tate currently serves as Deputy to the Chairman of Hill and Knowlton U.S.A.

Not only does Mrs. Tate have the professional background to serve on the CPB, she is personally committed to serving the public interest in her new position. I am pleased to support her appointment to the CPB and recommend her to the Committee.

I thank you very much, Senator Trible.

Do you have anything to add?

Ms. TATE. I do not have a prepared statement, Senator. I am honored to be here, and honored to have been nominated and, if confirmed, I will serve to the best of my ability.

Thank you.

Senator INOUYE. As indicated, we will be submitting questions for your response. I hope that you can submit it to us by the end of this week.

Ms. TATE. I will.

Senator INOUYE. Thank you very much.

Oh, did you have any questions?

Senator ROCKEFELLER. Mr. Chairman, I am not a member of your subcommittee, so I appreciate your tolerance for letting me be here.

I want to welcome Sheila Tate very much. I guess I would just have one question, if that is all right, Mr. Chairman, with you.

There is the problem of funding. It mixes in difficult ways because, as Gramm-Rudman comes into effect, and as budgets become more difficult, it has been a real struggle for CPB to maintain, or anywhere near maintain, funding; and at the same time, funding levels from private corporations and foundations is in somewhat more jeopardy. As you know, as you talk with people connected with public broadcasting, it is more difficult to raise money now than it was 5 or 10 years ago.

So I am interested only in your approach to the question of funding. I recognize it is sort of a basic question, but, therefore, it is an important one, funding levels for the Corporation for Public Broad-

casting within this era of Gramm-Rudman, and yet on the other hand, with a time where other means of support for funding are also declining.

Do you have kind of an approach as to funding?

Ms. TATE. Well, obviously, I have a lot to learn, Senator. I do not pretend to be familiar enough with the funding problems at CPB to have a solution. I certainly support the idea of investigating all manner of funding.

I think good programming will attract private funding. I think that educational programs like "Sesame Street" really set apart public television, and I think that public affairs programming does that as well.

Obviously, they are all expensive, and they require a great deal of financial backing. I think I am both encouraged and troubled by the idea of advertising. You cannot be noncommercial if you are commercial.

On the other hand, there are some kinds of enhanced underwriting that we ought to be looking at, and testing, and considering. All I know is, I have an open mind on the subject, and I would bring some new thoughts and ideas to the table.

Senator ROCKEFELLER. I am sure you will.

Mr. Chairman, it is my own view that a CPB Board member ought to have it as part of his or her mission to try and enhance the capacity for public broadcasting to get on the airwaves, stay on the airwaves, and that there, obviously, are two ways to do that. One is Federal funding, and the other is "other sources.'

Both are becoming difficult, and I just hope and am confident that, as you are confirmed, as I am sure you will be, that you will fight for the financial aspect of public television, which is in some difficulty.

Ms. TATE. I most assuredly will.

Senator ROCKEFELLER. Thank you, Mr. Chairman.

Senator INOUYE. Thank you very much.

Before proceeding any further, I would like the record to show that we have received from all of the nominees the necessary information on their financial background. Furthermore, the Committee has received from the appropriate agency information relating to any intelligence or security matters. So all of these documents are now in order and in our files.

Senator Danforth.

Senator DANFORTH. Thank you, Mr. Chairman.

Ms. Tate, let me ask you a similar question to the prior nominee. What changes, if any, would you like to see made at the Corporation for Public Broadcasting? What is your platform? What would be your platform were you to enter into this job?

Ms. TATE. Well, I do not have a platform. I have an interest in communications, and I think I have an understanding of the process of communications. I hope I bring that to the table. Apparently, I also bring a feminine voice, which otherwise would not be present.

I think that public broadcasting ought to be looking forward as it reaches its 20th anniversary, and ought to be open to all kinds of new ideas. Who knows what the next 20 years have in store?

Senator DANFORTH. You do not have any particular ax to grind?

Ms. TATE. Oh, no.

Senator DANFORTH. Or sense of sweeping changes that you would like to make?

Ms. TATE. No, nor would I seek to serve on a Board if I had axes to grind.

Senator DANFORTH. Thank you.

Senator INOUYE. If I may ask just one, in a similar vein, do you have any thoughts on commercial advertising on public broadcasting? As you know, we have limited commercial advertising at the present time.

Ms. TATE. Yes. I personally am comfortable with commercial underwriting and perhaps enhanced mention of the underwriters in some way, but I do not know how you can advertise on noncommercial television and continue to call it "noncommercial." I recognize it is a subject that is being tested, and needs to be tested, and needs to be explored, but I have been in the business for a long time and I do not know how you do it. I really do not.

Senator INOUYE. Well, I thank you very much.

It is now my privilege to call on my good friend from California, Senator Wilson. This is your panel.

STATEMENT OF HON. PETE WILSON, U.S. SENATOR FROM CALIFORNIA

Senator WILSON. Just about, Mr. Chairman. You are quite correct in that fact.

I am very pleased that of the five witnesses, nominees, before us today three are Californians. I understand it is the Chairman's preference that they appear one at a time?

Senator INOUYE. We can bring them all three up, if you would like to introduce them.

Senator WILSON. All right. If all Californians, who are nominees, would please step up—Mr. Archie Purvis; Mr. Marshall Turner; and Mr. Harry O'Connor.

Senator INOUYE. Can someone tell me if there are Californians on the Board at the present time? One more? You have only got four?

Senator WILSON. It is a large and growing State, Mr. Chairman.

Senator INOUYE. Any from West Virginia?

Senator WILSON. Probably some of the Californians are originally from West Virginia. They are from everywhere. There are few natives.

Mr. Chairman, I do appreciate the opportunity to be here today to introduce to the Committee three of the nominees being considered for appointment to the Corporation for Public Broadcasting. California is known for many things, and among its most celebrated industries is the entertainment industry. That industry is itself diverse, so it should not be surprising that three of the nominees before the Committee are from California and have had contact in varying ways with that industry, but they are quite different. The backgrounds of Marshall Turner, Archie Purvis, and Harry O'Connor are very different.

Mr. O'Connor's experience in broadcasting is largely in radio, beginning more than 40 years ago. He has played a number of roles

in the radio industry from being an on-air personality himself, to being a writer and producer of commercials, to being a salesman and general manager of radio stations.

For the past 19 years he has been a very successful producer, running O'Connor Creative Services, a major syndicator of radio features. The shows produced by Mr. O'Connor have been quite varied. Hosting them have been such different personalities as Art Linkletter and Efrem Zimbalist, Jr. He has also produced a radio program hosted by former Senator Barry Goldwater, as well as the nationally syndicated five-minute radio commentary of President Ronald Reagan.

So far, it would appear that he has batted .500 in picking successful presidential candidates. I might mention, just in passing, that he also produced a radio show hosted by Senator Dole. So the book may not be closed.

Mr. O'Connor has already served as a member of the Corporation for Public Broadcasting from 1983 to 1986, so he therefore brings with him not only a vast understanding of the broadcast industry, but also experience working with the Corporation itself.

Archie Purvis has spent more than 16 years in the entertainment industry. He is presently beginning his eighth year with the American Broadcasting Company in Los Angeles as a Senior Vice President of ABC Distribution Company. He has extensive knowledge of television sales and distribution operations both in the United States and worldwide.

Also of importance to his position as a member of the Corporation for Public Broadcasting, he understands the ancillary markets for television programming, including video cassette sales. As public stations search for new ways to raise funds, mechanisms of that kind such as ancillary sales, I think, will present important new opportunities.

Finally, Mr. Chairman, Marshall Turner comes to the Corporation for Public Broadcasting as the Chairman of the Board of one of the PBS flagship stations, station KQED in San Francisco. Mr. Turner has had an extremely varied career both in the public and private sectors.

He has received engineering degrees from Stanford University, and an MBA with distinction from Harvard. He has been a White House Fellow, worked for the Environmental Protection Agency, has worked for large and small companies in the private sector. He has written articles on mechanical heart pumps. He has even found time to be involved in politics as a volunteer. He is today a general partner in a venture capital firm, Taylor & Turner Company which affords him the opportunity to give a great deal of time and effort to public service in the form of his chairmanship of KQED.

As the Chairman of the flagship station, I think he will bring a special and needed kind of experience to his service on the Board of the Corporation for Public Broadcasting.

So, Mr. Chairman, while I shrink from the fact that my state seems to have a disproportionate representation among the nominees and even among the Board members, I think that we are justified, and I am pleased to be able to present people of such varied background but such uniformly high caliber as nominees.

I thank you.

Senator INOUYE. I thank you very much, Senator Wilson. I am certain you will note that CPB will have one vacancy if we approve all five. I want the Administration to know that I am Chairman of the Communications Subcommittee, and it would please me greatly if someone from Hawaii is nominated to fill that slot.

We have been a state since 1959. We have been around for awhile. You do not mind one?

Senator WILSON. No, not in the least. I have a very soft spot in my heart for Hawaii.

Senator INOUYE. Gentlemen, on behalf of the Committee, I congratulate you on being selected by the President for this very important position. As I indicated to you before the hearings, I will be submitting to all five questions on behalf of the Committee, which I hope you will respond to and submit hopefully by the end of this week. As soon as we receive these responses, I will submit a recommendation to the full Committee.

However, I have a question for one of the nominees because of certain letters we have received. I indicated to Mr. Purvis I would be asking this question.

Mr. Purvis, you are presently employed by ABC Distribution Company. Is that correct?

[The biographical sketch follows:]

ERNEST F. HOLLINGS, SOUTH CAROLINA, CHAIRMAN
DANIEL K. INOUYE, HAWAII
WENDELL H. FORD, KENTUCKY
DONALD W. RIEGLE, JR., MICHIGAN
J. JAMES EXON, NEBRASKA
ALBERT GORE, JR., TENNESSEE
JOHN D. ROCKEFELLER IV, WEST VIRGINIA
LLOYD BENTSEN, TEXAS
JOHN F. KERRY, MASSACHUSETTS
JOHN B. BREAUX, LOUISIANA
BROCK ADAMS, WASHINGTON
JOHN C. DANFORTH, MISSOURI
BOB PACKWOOD, OREGON
NANCY LANDON KASSEBAUM, KANSAS
LARRY PRESSLER, SOUTH DAKOTA
TED STEVENS, ALASKA
BOB KASTEN, WISCONSIN
PAUL S. TRIBLE, JR., VIRGINIA
PETE WILSON, CALIFORNIA
JOHN MCCAIN, ARIZONA
RALPH B. EVERETT, CHIEF COUNSEL AND STAFF DIRECTOR
W. ALLEN MOORE, MINORITY CHIEF OF STAFF

United States Senate
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
WASHINGTON, DC 20510-6125

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

(If more space is needed, please use attached REMARKS sheet)

A. BIOGRAPHICAL DATA

1. Name: Purvis (Last) Archie (First) _____ (Other)

   Address: 22778 Charlemont Place (Current residence) Woodland Hills, CA 91364

   American Broadcasting Co. 2040 Avenue of the Stars (Business) Los Angeles, CA 90067

2. Position to which nominated: Board of Directors Corporation for Public Broadcasting

   Date of nomination: April 6, 1987

3. Date of birth: 5 (month) 24 (day) 39 (year)

   Place of birth: New York, NY

4. Marital status: Married

   Full name of Spouse: Candace H. Purvis

5. Names and ages of children: Christian B. (17)

6. Education:

Institution	Dates attended	Degrees received	Dates of degrees
City College of New York			
Baruch School of Business	1963 - 1966		
University of Munich	1962 - 1962		
Brigham Young University	1957 - 1958		

7. Employment record: List all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

From	To	Name of employer	Address	Type of work
1/80	Present	American Broadcasting Co.	2040 Ave of Stars L.A., CA 90067	Marketing of Telecommunications
1/77	12/79	MCA Inc. (Universal Studios) Videodisc Division	100 Universal City Pl. Universal City, CA	Videodisc Marketing
10/74	12/76	Lear, Purvis & Walker	1901 Ave. of Stars Los Angeles, CA	Consulting
10/66	10/74	Polaroid Corporation	Cambridge, MA	Industrial Photo Products Marketing
9/63	10/66	General Foods Corp. Birdseye Division	White Plains, NY	Food Products Sales
1962	1963	Dr. Luther & Prechtl K.G.	Munich, Germany	China & Silverware Sales

8. Government experience — List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other part-time service or positions.

1966 - At Polaroid Corp. was responsible for Washington, DC territory which encompassed sales of all Polaroid products to Federal Government. Responsible for sale of first photo ID system to Congress.

1977 - At MCA responsible for government sales of videodisc technology. Was instrumental in setting up first government sponsored videodisc instructional project for the hearing impaired.

9. Political affiliations activities: — List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last 10 years.

Member: Democratic Party - Donate annually to National and Local Committees.

10. Memberships: — List all memberships and offices held in professional, fraternal, scholarly, civic, charitable, and other organizations.

International Children's School - Former Member of Board

Fair Housing Council of San Fernando Valley - Member

UCLA Chancellor's Association - Contributing Member

American Management Association — National Association of TV Programming Executives

National Photographers Association

American Film Marketing Association

National Cable Marketing Association

14. Qualifications: — State what, in your opinion, qualifies you to serve in the particular position to which you have been nominated.

In general, I offer twenty (20) years of diverse marketing/sales/management experience to the Board.

Additionally, I offer specific and related experience in the areas of new communications technologies, i.e. videodisc/videocassette, cable and satellite distribution.

Further, my program development and distribution experience will also be beneficial.

SEE ATTACHED RESUME

On a personal note, I have no political goals; therefore, I view my appointment to be an honor and in the public trust which therefore motivates me to execute my responsibilities in an objective manner.

Mr. PURVIS. Yes, it is, Senator.

Senator INOUYE. And I believe you are responsible for the management of sales distribution and the licensing of programming. Now ABC has owned and operated, stations and affiliates, and these stations and affiliates may at times compete with public broadcasting stations for viewers. That is to be understood.

Does that create a conflict of interest? Could a situation arise where a PBS station and ABC would be competing to acquire the same programming?

Mr. PURVIS. In a very extended and very broad interpretation, Senator Inouye, it is possible, but let me try to explain, or respond, by explaining what my role is.

You are correct that I am responsible for the distribution of ABC-owned and acquired programming. The use of the word "acquired," though, does not apply in the sense of a broadcast acquisition. I am neither a programmer, a producer, nor am I responsible for the scheduling of anything that takes place on the American Broadcasting Television Network.

What we do is we take programming and, after its original use, distribute it to ancillary markets such as cable, cassette, international, or foreign television broadcasts, in-flight entertainment, educational, the business industry and educational markets.

In the sense of our competing or my competing with PBS for the acquisition of programming for broadcast use, that would not and could not happen in my present capacity. Additionally, I do not think that my general role as a Board member will be in conflict in any way, shape, or form.

I would like to point out this is my first time involved with the Board—but my understanding is that my role is that of a management and policy role, and I would not be involved in dealing with specific questions relative to the acquisition of programming in my capacity as a member of the Board.

Given that, I would like to respond, sir, and say that I do not feel that my role will be in any way in conflict. As a matter of fact, it is my belief that my abilities, experience, and my knowledge, which were largely developed through ABC, would enhance my position as a Board member.

In fact, my company might be a little uncomfortable because the positions I may take as a Board member might be in conflict with their general philosophy, but I intend to express my position as I feel it best suits my role as a Board member. So, no, I don't think there will be any conflict, sir.

Senator INOUYE. Personally, I think it is a good thing to have someone on the Board who is knowledgeable of the business of communications and broadcasting. I can tell you I see nothing wrong in the reports we have received, but since a couple of letters came in suggesting the possibility of a conflict of interest, I felt it was necessary for the record to ask you that question.

Senator Rockefeller?

Senator ROCKEFELLER. Thank you, Mr. Chairman.

I might just ask Mr. Purvis, as a follow-up to the Chairman's question, and this may be a moot subject these days and it may not

be, but as you know, when Mark Fowler was at the FCC, there was a very delicate question of swaps, and that was a question of a commercial station being able to buy out, or perhaps attempting to buy out a public station, and it became very controversial. The public station, of course, is always in need of money, and the question is what would they do when confronted with that type of situation?

It was a problem that everybody hoped would go away, and perhaps it has gone away. I do not know.

Do you have a feeling or a position on that question of swaps?

Mr. PURVIS. I do, but I would like to preface my response by saying I am speaking as a private citizen, not as an employee or an executive of the American Broadcasting Company. I am also speaking with the hope that you know that I am not a technical person.

My view is that this is not the way to go. The swapping of station licenses, I do not think, is in our best interests. When I say "our," I am talking about PBS and CPB. From a technical standpoint, and again I am not a well-versed technical person, but a UHF station—are we referring to "V" versus "U"? Is that what we are talking about, Senator?

Senator ROCKEFELLER. Yes.

Mr. PURVIS. From a technical standpoint, we are talking about basically line-of-sight transmission. It is very much susceptible to terrain factors, et cetera. I just do not think there is any advantage. I think it is the wrong way to go. If we own a "V", I think we should keep it. The way to develop revenue is not by selling off the crown jewels.

Obviously, when you have commercial interests pursuing—and again I am speaking as a private citizen—when you have commercial interests pursuing a VHF and willing to swap off for a UHF, there has to be something to it. I suspect that it serves the commercial interests and possibly to PBS' detriment.

So, from a philosophic viewpoint, I am not in favor of it.

I would like to, also, if I may, just take a second to thank Senator Wilson for introducing me to this Committee.

Good afternoon, Mr. Chairman and distinguished committee members.

It is indeed a privilege for me to appear before you today.

I would like to take this opportunity to briefly acquaint you with me personally and professionally with the hope that you will consider me qualified for confirmation to the CPB Board.

I am a native New Yorker, born in a very humble environment. Over the past 47 years, I have lived in five major U.S. cities and in one foreign coutnry. My purpose in conveying this information is to bring forth the fact that when considering my previous and present economic status, I believe I offer a special understanding with regard to the needs and aspirations of major segments of the American public.

You will note in reviewing my background, I offer 20 years of diverse business experience, primarily in the general management and marketing areas. Over the past 16 years, my business activities have involved me in the development, marketing and sales of new telecommunications technologies and program distribution, worldwide.

I first became involved with the Corporation for Public Broadcasting in 1976 as a result of a collaborative effort between the CPB, HEW's Bureau of Education for the Handicapped and the Lincoln, Nebraska Public Broadcasting Station. This coalition was created to develop an instructional videodisc project for the hearing impaired. The program proved to be enormously successful and demonstrated how the combining of resources of the CPB and government agencies could work in the public's interest. Having been a primary architect of this project, I was able to develop a unique understanding of, and sensitivity to, the particular needs of the handicapped, especially the hearing impaired.

I regret that a longstanding extended overseas business trip from which I returned only this weekend made it impossible for me to meet with each member of this committee before this hearing. I hope that, as your time permits, I will have the opportunity to do so in the future.

In conclusion, I view myself as a result-oriented businessperson, with no political agenda. I therefore ask for your confirmation on the basis of ability and experience. You have my assurance that I seek this important appointment for the sole purpose of serving the public interest, to the best of my ability.

Mr. Chairman, distinguished committee members, thank you very much for your time. I would be pleased to respond to any questions you may have.

Senator ROCKEFELLER. Thank you, Mr. Purvis.

Mr. Chairman, if I might have one more general question for both the other witnesses, both of whom I am very proud to know and have a very high regard for.

There is the matter, as I indicated to the earlier witness, of funding.

I repeat again, it is my view that when one is on something like the Corporation for Public Broadcasting that, one of the roles of a member is advocacy, advocacy for it as an institution, advocacy for its independence, its integrity, its quality, and everything else, including funding.

Ms. Tate, for whom I have the highest regard, and, in fact, wish she had been nominated in an earlier year because I think she will be excellent, mentioned Sesame Street.

On the other hand, there are many programs which are not as popular as that. In fact, most of them are not. I was watching Masterpiece Theatre last night, and, of course, that is quite well regarded, but then there was another one, I believe, that came afterwards about Japan and the 21st Century, and I do not remember whether it was Fuji, or Xerox, or somebody else who underwrote that, but one can imagine that there would not have been an outpouring of corporate underwriters.

So the question is always funding, funding, funding. Do you both see yourselves as advocates for public funding for the Corporation for Public Broadcasting?

If so, how would you proceed to do that? If not, how would you proceed to compensate for that?

[The biographical sketch follows:]

ERNEST F. HOLLINGS, SOUTH CAROLINA, CHAIRMAN
DANIEL K. INOUYE, HAWAII
WENDELL H. FORD, KENTUCKY
DONALD W. RIEGLE, JR., MICHIGAN
J. JAMES EXON, NEBRASKA
ALBERT GORE, JR., TENNESSEE
JOHN D. ROCKEFELLER IV, WEST VIRGINIA
LLOYD BENTSEN, TEXAS
JOHN F. KERRY, MASSACHUSETTS
JOHN B. BREAUX, LOUISIANA
BRUCE ADAMS, WASHINGTON
JOHN C. DANFORTH, MISSOURI
BOB PACKWOOD, OREGON
NANCY LANDON KASSEBAUM, KANSAS
LARRY PRESSLER, SOUTH DAKOTA
TED STEVENS, ALASKA
BOB KASTEN, WISCONSIN
PAUL S. TRIBLE, JR., VIRGINIA
PETE WILSON, CALIFORNIA
JOHN MCCAIN, ARIZONA
RALPH B. EVERETT, CHIEF COUNSEL AND STAFF DIRECTOR
W. ALLEN MOORE, MINORITY CHIEF OF STAFF

United States Senate
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
WASHINGTON, DC 20510-6125

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

(If more space is needed, please use attached REMARKS sheet)

A. BIOGRAPHICAL DATA

1. Name: O'Connor (Last) Harry (First) (nmi) (Other)

Address: 6204 Vista Del Mar #478 (Current residence) Same (Business)

Playa del Rey, CA 90296 Same

2. Position to which nominated: Member-Board of Directors Corporation for Public Broadcasting Date of nomination: 3/10/87

3. Date of birth: March (month) 22 (day) 1926 (year) Place of birth: San Antonio, Texas

4. Marital status: Single Full name of Spouse:

5. Names and ages of children: Robin Melissa 32; Timothy 25; Patrick 17; Steven 29; Dana Louise 23

6. Education:

Institution	Dates attended	Degrees received	Dates of degrees
Stonewall Elementary	1932-1938		
Harlandale Jr/Sr High School	1938-1942		

7. Employment record: List all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

From	To	Name of employer	Address	Type of work
1-1-45	12-31-45	KPAB Radio Station	Laredo, Texas	Announcer
1-1-46	12-31-47	KWBU Radio Station	Corpus Christi, Texas	Announcer
1-1-48	12-31-49	KMAC Radio Station	San Antonio, Texas	Announcer
1-1-50	12-31-50	U.S. ARMY	Ft Sam Houston,Texas	Special Servic
1-1-51	12-31-51	WBOK Radio Station	New Orleans,LA	Salesman
1-1-52	12-31-53	KTXN Radio Station	Austin, Texas	Sales Manager
1-1-54	12-31-54	KTSA Radio Station	San Antonio, Texas	Salesman
1-1-55	12-31-56	KTEM Radio Station	Temple, Texas	General Manager
1-1-57	12-31-58	KTXO Radio Station	Sherman, Texas	General Manager
1-1-59	12-31-60	KGKB Radio Station	Tyler, Texas	General Manager
1-1-61	12-31-62	Archer Productions	Dallas, Texas	Producer
1-1-63	8-31-63	US Sen Ralph Yarborough	Austin, Texas	Aide
1-1-64	12-31-67	Mel Blanc Associates	Hollywood, CA	Writer/Producer
1-1-68	Present	O'Connor Creative Services	Playa del Rey	President

8. Government experience: List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other part-time service or positions.

1-1-50 12-31-50 U.S. Army Ft. Sam Houston, Texas Special Services Aide

1-1-63 8-31-63 U.S. Senator Ralph Yarborough Austin, Texas Home State

9. Political affiliations activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last 10 years.

Member-Republican Party Have not served as an officer of nor contributed to any political party, organizatwo or election committee.

10. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, charitable, and other organizations.

Harlandale Masonic Lodge San Antonio, Texas

Pacific Pioneer Broadcasters N. Hollywood, California

Burbank Community Hospital Board of Directors Burbank, California

Association of Independent Radio Producers N. Hollywood, California

11. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Founding President-Association of Independent Radio Producers

Finalist Judge-International Broadcast Awards

Guest lecturer-UCLA

President-Pacific Pioneer Broadcasters

13. Speeches: Idenufy each speech which you have given during the past 3 years, the organization to which the speech was given, and supply two copies of each speech.

Various public and commercial broadcasting conferences, seminars.

14. Qualifications: State what, in your opinion, qualifies you to serve in the particular position to which you have been nominated.

I have served on the board of the Corporation for Public Broadcasting for three years and participated actively in all board and committee meetings. I have strived to avoid political and factional influences, dedicating my efforts to the betterment of the public broadcasting system. I strongly support the need for a publicly supported broadcast service and wish to continue my efforts in behalf of this.

STATEMENT OF HARRY O'CONNOR

Mr. O'CONNOR. Senator Rockefeller, and Mr. Chairman, if I may, I have an opening statement which embodies a substantial response to this question. Would it be appropriate for me to read the statement?

Senator INOUYE. Please do.

Mr. O'CONNOR. I first would like to thank Senator Wilson for appearing today on behalf of my appointment.

I would like to thank the President for his decision to renominate me to the Board of the Corporation for Public Broadcasting.

I would like to confirm my interest in and willingness to continue to serve on this vital Board. The experience I have gained during the past three years as a member of the Board will, I believe, serve my fellow Board members and the public broadcasting system well.

It is my conviction that the Corporation for Public Broadcasting should and can function as a productive body imbued with a spirit of collegiality. The mandate established for public radio and television by Congress and the Public Broadcasting Act is the only guideline we really need to achieve this goal.

Public broadcasting in America is at a crossroads in both the financial and philosophical sense. I believe the Corporation for Public Broadcasting can provide leadership in the quest for increased Federal, public, foundation, and corporate financial support for the system.

I believe it is imperative that the subject of financing for public broadcasting be addressed at the earliest time by this new Board. I also would like to say that the system itself, the system of public broadcasting, needs to be reassured of its right and obligation to present programming that is forward-minded, to underwrite what is untested and perhaps controversial but worth a close look and listen by the American people, and to do this, of course, with ultimate fairness.

Senator Rockefeller, I share your concern. During the time I have been on the Board, I have made a special effort wherever possible to be involved with every effort that would result in enhanced funding. I do not believe it is going to come from some form of advertising.

I do not believe it is going to come from swapping a VHF for a UHF. I think that has about as much promise as wife swapping. It is a temporary relief, perhaps, at best. And not too well received morally, either.

I think the Corporation absolutely has to have a role in this. I believe it would be welcomed by NAPTS and by PBS, and certainly by NPR. We have been there to help them before.

So I think we need to address this issue as a paramount issue in the coming months.

Senator ROCKEFELLER. Mr. Turner?

[The biographical sketch follows:]

[illegible]

United States Senate

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

WASHINGTON, DC 20510-6125

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

(If more space is needed, please use attached REMARKS sheet)

A. BIOGRAPHICAL DATA

1. Name: TURNER (Last) MARSHALL (First) C. JR. (Other)

Address: 270 Madrona Ave. (Current residence)
Belvedere, CA 94920

Taylor & Turner (Business)
220 Montgomery St., Penthouse 10
San Francisco, CA 94104

2. Position to which nominated: Board of Directors, Corporation for Public Broadcasting — Date of nomination: April 21, 1987

3. Date of birth: October 10, 1941 (month) (day) (year) — Place of birth: Santa Monica, CA

4. Marital status: Married — Full name of Spouse: Ann Curran Turner

5. Names and ages of children: Erin R. 20
Benjamin C. 17
M. Brian 14

6. Education:

Institution	Dates attended	Degrees received	Dates of degrees
Stanford University	9/59-6/65	B.S.M.E. M.S.M.E.	6/64 6/65
Harvard University	9/68-6/70	M.B.A.	6/70

(also two night school math classes at George Washington University and the University of Maryland in 1967-68).

7. Employment record: List all positions held since college, including the title or description of job, name of employer, location of work, and dates of (inclusive employment.

From	To	Name of employer	Address	Type of work
1965	1965	Mattel Inc.	Hawthorne, CA	industrial designer, toys
1965	1966	GM Defense Research Labs	Santa Barbara, CA	research engineer, auto safety
1966	1968	U.S. Public Health Service National Institutes of Health	Bethesda, MD	medical engineer, artificial heart research
summer	1969		Los Angeles, CA &	
summer	1970	McKinsey & Co., Inc.	New York, NY	management consulting
1970	1971	U.S. Gov't (DHEW)	Washington, DC	White House Fellow
1971	1973	U.S. Environ. Prot. Agency	Washinton, DC	Dir., Opns. Coord. Grp.
1973	1975	Crocker Associates	San Francisco, CA	venture capital
1973	1975	Sierra Railroad Co.	San Francisco, CA	VP Finance & Chief Oper. Off. of a Co. associated with Crocker Associates
1975	1980	Liquid Crystal Technologies, Inc.	San Leandro, CA	Manuf. Co. President
1980	1981	self	San Francisco, CA	forming & vent. cap. fund and venture consulting.
1981	pres.	Taylor & Turner Assoc. Ltd.	San Francisco, CA	General Partner of a venture capital prtnrshp.
1982	pres	Taylor, Turner & Co. Inc	San Francisco, CA	officer of a Venture capital management co.

8. Government experience — List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other part-time service or positions.

1961, summer City of Garden Grove, CA : draftsman and surveyor's assistant

1964, summer U.S. Public Health Service officer, Chicago, IL: radiation study

1966-1968 U.S.P.H.S., National Institutes of Health:SA SAN FN (research)

1970-1971 White House Fellow

1971-1973 U.S. Environmental Protection Agency: Office of Administrator staff

1977-1981 elected Trustee of Reed Union School District, Chairman 1978-79

9. Political affiliations activities — List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last 10 years.

M. Turner Committee for School District Trustee: Candidate and donated approx.

1980 Republican Convention: Alternate Delegate from California

California Republican Associates: Member and donor to this and various otherRepublican Party mailings over the years, aggregating approximately

Reagan for President, 1980: Headed County Speaker's Bureau, & was a surrogate debater

Bill Honig for State Superintendent of Public Instruction: donated apprx. in h yrs.

Wirth for Congress committees: approx. Over the years

Various local Republican and non-partisan candidates over the last ten years, with best recollection aggregating less than total.

10. Memberships — List all memberships and offices held in professional, fraternal, scholarly, civic, charitable, and other organizations.

Present Memberships: Bohemian Club (social); Tiburon Penninsula Club (athletic); White House Fellows Association;National Association of Venture Capitalists; Western Association of Venture Capitalists;KQED, Inc. (Chairman); Stanford Alumni Association;

Past Memberships: American Society for Artificial Internal Organs; Boy Scouts; Sigma Nu fraternity; Beta Chi fraternity; Century Club at Harvard Business School;Sierra Club; American Society of Mechanical Engineers (chairman of student chapter)

11. Honors and awards — List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognitions for outstanding service or achievement.

White House Fellow 1970-71

At Harvard Business School: received J. Leslie Rollins Award, and the Dupont, Sidney Weinberg, and W. E. Travis Fellowships.

At Stanford: Machinery Institute's Creative Design Award, Senior Class President, and General Motors Styling Division Fellowship, E.C. Goodhew scholarship.

12. Published writings — List the titles, publishers, and dates of books, articles, reports, or other published materials you have written.

Monthly column written by the KQED, Inc. Board Chairman in San Francisco Focus, about various station topics, monthly since January, 1986.

14. Qualifications — State what, in your opinion, qualifies you to serve in the particular position to which you have been nominated.

First, I have a strong interest in a successful future for public broadcasting, and a desire to help the CPB perform its mission as effectively as possible. Second, I am an experienced director of corporations, having served as a Director or Trustee of more than ten public or private organizations. Third, as a member of the Board of Directors of KQED Inc. for eight years, I have acquired a good background on some of the issues faced by the CPB Board. And fourth, my five years of working experience in Washington should help give me some useful perspective on CPB's relationships with other parts of government.

STATEMENT OF MARSHALL TURNER

Mr. TURNER. I agree with those comments. In relation to my feelings about funding, I am fortunate to be a member of the board of three stations that receive 85 percent of their $24 million budget from the local San Francisco Bay Area very successfully under the current rules. I do not favor underwriting any more enhanced than it is now, nor do I favor advertising. I would be very resistant to changes in either of those areas. or to other changes which negative affect the on-air product to public broadcasting. I feel CPB has a leadership role to play and an obligation to play it, such as by doing a variety of things that they can do to help the individual stations improve and broaden their sources of income. That is the secret, I think, for generating increased revenues for the whole system in terms of program purchase capability.

Mr. Chairman, if I may, I would also like to read a brief opening statement that may shed light on my opinions on this issue.

Senator INOUYE. Please proceed.

Mr. TURNER. First I would also like to thank Senator Wilson for introducing me to the Committee.

I am honored to be nominated by President Reagan to the Board of Directors of the Corporation for Public Broadcasting.

I would also like to thank my family and my partner, William Taylor; in a very real sense, much of the time I am likely to spend on this activity will be contributed by them.

It is amazing to me that the role of public broadcasting and the needs it serves has changed so little in the 20 years since the Public Broadcasting Act of 1967 was signed. These 20 years have seen great changes in technology which have increased the number of other broadcast services, reduced the cost of narrowcast services via cable, produced home video cassette players, and made live reception on commercial television or public television of news and cultural events from anywhere in the world routine.

Yet the viewer's hunger for the public television product has never been higher, and the public's perception that public broadcasting generally offers programs of uniquely distinctive quality has apparently never been stronger.

The needs the creation of the Corporation addressed at its formation 20 years ago remain largely unfilled by other modalities today. Public broadcasting strengthens the best aspects of the richly varied American culture and enhances the education and information levels of our citizens. This is in the national interest.

At any given time during these 20 years, a new nominee to this Board could say that public broadcasting faces enormous challenges. It always has; it certainly does now, because the only real asset on its balance sheet is the goodwill of its viewers—who can also be financial supporters, voters, or consumers of the products and services of underwriters. Today, this goodwill has grown into a substantial asset, and service on the Board of the Corporation for Public Broadcasting, which has an important role to play in the preservation and enhancement of this asset, is an important trust.

My introduction to public broadcasting was in 1977 when I joined the Board of Directors of KQED in San Francisco. I am proud to have participated as a Board member in KQED's development from

a debt-plagued company with $7 million in revenues to a debt-free operation with $24 million in revenues and an operating surplus for the last four years. Everyone at KQED is most proud that 85 percent of our revenues come from the San Francisco Bay Area.

I look forward to the opportunity, if I am confirmed, to be part of a group of people who will work on these interesting and important issues facing public broadcasting in the next five years.

In the short period of time prior to this hearing, I was unable to arrange visits with many of you, but I would welcome an opportunity to discuss my qualifications and public broadcasting issues with you at your convenience. And I am happy to answer any questions here today.

Thank you.

Senator INOUYE. Senator Wilson.

Senator WILSON. Mr. Chairman, I really do not have any other questions. You and Senator Rockefeller touched on the one I thought did need explanation. At this point, I am prepared to, if you and Senator Rockefeller are finished, at the appropriate time move the nominations.

Senator INOUYE. I would like to advise all that we will do our best to report the nominees to the Senate at the earliest. Therefore, it would be extremely helpful if you could respond to our questions as expeditiously as possible, and hopefully by this weekend. If that is the case, it would give us ample time to review your responses and be able to report our recommendation to the full Committee, at which time we will take what steps may be appropriate.

So I thank all of you for joining us, and I wish you the very best.

Mr. PURVIS. Thank you, Mr. Chairman. Thank you, Senators.

Senator INOUYE. Thank you.

Mr. TURNER. Thank you.

Mr. O'CONNOR. Thank you.

Senator WILSON. Thank you very much.

[Whereupon, at 2:45 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

[The following information was subsequently received for the record:]

QUESTIONS OF THE MAJORITY AND THE ANSWERS OF MR. HANLEY

Question. 1. As you know, whether the Board of Directors of the Corporation for Public Broadcasting should have any input in determining appropriate program content has been a controversial topic. What is your position on this issue?

Answer 1. No, the Board should not directly involve itself with programming content; but there should be a management mechanism in place to ensure that programming is fair and accurate, and in keeping with the intent of the authorizing legislation.

Question. 2. What areas of public broadcasting to you consider as deserving top priority?

Answer 2. Our top priorities lie in the areas of addressing competing program sources, and making certain that the public broadcasting system has the tools it needs, such as interconnection, whether it be satellite or fiber optic.

Question. 3. In what areas of public broadcasting do you take special interest?

Answer 3. My special interests are children's educational programming and the development of a long range, strategic plan for all of public broadcasting.

Question. 4. One of the issues that has arisen repeatedly in connection with the Corporation for Public Broadcasting is the propriety of federal funding for public broadcasting. Do you support federal funding as a method of financing public radio and television?

Answer 4. Yes, because Federal funds are needed to support those programs that are not commercially viable; and, in this regard, the advance Federal funding provides the lead money and seed money for new programming which, in turn, brings in 4 to 5 times its amount in private funding.

Question. 5. What are your views on alternative financing for public broadcasting?

Answer 5. Public broadcasting should continue to explore alternative ways of financing because there is an increasing need for dollars. In no way, however, should alternative financing (1) distract, or (2) compromise the quality or editorial content of programming.

Question. 6. Do you believe that federal assistance in the production of programs should in any way restrict the subject matter of or viewpoints expressed in such programs?

Answer 6. No. Divergent viewpoints on controversial issues should be encouraged.

Question. 7. Do you support the broadcast of advertisements on public broadcast stations?

Answer 7. Please refer to No. 5, above. Speaking as a viewer, as long as the advertising does not intrude upon programming and is not blatantly commercial, it could be less disruptive than sitting through the "tin cup" approach or auctions on public television.

Answer 8. The Board does not get into such specific issues and, on the few occasions when it does, it is always after the fact. (The Program Fund staff will provide answers to these questions.)

Answer 9. See answer No. 8, above. [These two questions are answered below.]

[The CPB Board of Directors determined in 1981 to remove itself from individual program funding decisions. Instead, it established a Program Fund which makes these specific program decisions under the general direction of Board-established program priorities and procedures. Therefore, as a CPB Board member, I would not have direct knowledge about the details necessary to respond to this question; and it would not be appropriate for me to have this involvement with specific programming activities. In order to be responsive, I have asked the staff of the Program Fund to provide answers to questions eight and nine. The following are their answers. Any further questions should be directed to CPB management.]

Question 8. Please answer the following questions concerning programs financed by the CPB's Program Fund in the last three years:

a. What is the average length of time that it takes to negotiate and execute contracts with filmmakers?

CPB views its commitment to, and responsibility for, the expenditure of taxpayer dollars very seriously. We have, in the last year, created an Office of Business Affairs and restructured our contracting procedures in order to ensure a timely, yet financially prudent, contracting process. Timelines associated with contract negotiations vary with each individual contract and, therefore, "average" figures are not available. While some complex production contracts may take up to several months to finalize, the bulk of CPB contracts are processed in less time. Factors contributing to the duration of the negotiation period often are linked to the experience and expertise of producers to satisfy contractual preconditions such as adequate rights for the project, appropriate budget and staffing, and the complexity of the financing arrangements (whether co-producers or co-financers are involved, for example).

b. How many of the programming proposals approved for financing under the Program Fund have been completed?

During the last three-year period, all program proposals that received funds under a CPB program financing contract have been completed and delivered to CPB.

c. How many of those programs have been completed and not broadcast?

In the last three-year period, all programs financed by the Program Fund have been distributed to local public broadcasting stations either by the Public Broadcasting Service, the Interregional Program Service or the Central Educational Network. The decision to broadcast is one made solely by the local station. The Program Fund does have evidence that every program was broadcast at some time during the program rights period.

d. How many of those programs are broadcast but are not aired as part of the core schedule?

Programs evaluated and selected for funding address a variety of public broadcasting needs—not all are designed, intended or appropriate for core schedule. Traditionally, core represents 8:00–10:00 p.m., Sunday through Wednesday evenings. Prime-time encompasses 8:00–11:00 p.m. daily. As was mentioned above, the decision on whether and when to broadcast a program is the exclusive determination of the local public television stations. A variety of elements come into play in compiling

the public broadcasting schedule, and many CPB-funded programs air during prime-time, but not necessarily core time, depending on local needs and decisions. Neither CPB nor PBS can compel local stations to broadcast or to do so at a particular time.

Stations utilize core hours to build and maintain audiences, scheduling on-going and repeated series or programs in those time slots. Over the last several years, the Program Fund, and stations, have placed less emphasis on the "core" potential of a program in determining it's appropriateness for CPB funding. A number of important educational and informational specials funded by the Program Fund, such as *For Auction: An American Hero* (which won a Dupont Award), and *Witness to War: Dr. Charlie Clements* (which won an Academy Award) have been distributed to local stations in the Wednesday night, 10:00 p.m. slot. The summer series, *Alive From Off Center* is appropriately and very successfully scheduled at 10:00 p.m.

In recent years, the CPB Board has selected children's programming as their first priority. In addition to support of on-going major series such as *3-2-1 Contact, Reading Rainbow* and *WonderWorks*, the Program Fund has undertaken new children's programming efforts, such as *Owl Television, Ramona Q, Square One TV*, and *DeGrassi Jr. High*. We are also exploring a children's weekend initiative aimed at providing an alternative to commercial weekend programming for children. However, generally, children's programming is not viewed as appropriate core material and, with the exception of *Wonderworks*, is not scheduled during prime-time.

The Program Fund also initiated, and presently allocates $1 million annually, in support of a unique public television approach to addressing major national social problems. This effort is the National Public Television Outreach Alliance, a group of public television stations whose goal is to provide research, leadership, compelling programming and the outreach organizational planning and support materials to mount and successfully execute one or two outreach campaigns each year directed against major social problems facing our country. One hundred percent of the public television stations are aboard, as are over 70 national organizations, so far. Recent campaigns undertaken by the Outreach Alliance include *Chemical People, Generation at Risk* and *Project Literacy U.S. (PLUS)*—all of which, when completed, were scheduled during the "core" hours and, most likely, were broadcast during that time by local stations. However, these programs could have been used in non-core schedule times as well.

e. How many of those programs are broadcast as part of the core schedule?

CPB-funded major series such as *American Playhouse, Great Performances, The MacNeil/Lehrer Newshour*, and *Frontline* have become the foundation upon which the public broadcasting national schedule rests. These series represent almost half of CPB's production dollars and they sustain excellent general audience programming in drama, public affairs, documentaries and performance programming. *American Playhouse* and *Frontline* are scheduled for distribution during core—*Great Performances* during prime-time—and *MacNeil/Lehrer* daily at 7:00 p.m. In the major series category, CPB also supports the children's programming series, *WonderWorks*, which is designed for children and family viewing and is scheduled at 8:00 p.m.

f. For each of those programs, how many stations have carried the programs and what ratings have those programs received?

Precise and/or specific carriage and ratings information on all programs funded is not available as audience reports are not compiled for every week of the year. We do request, on occasion, special audience studies for particular series, but summative research on the whole has been beyond the financial capacity of public television. Standard Nielsen measurements are utilized by PBS to provide 10 periodic national audience reports during the calendar year. With the exception of *The MacNeil/Lehrer NewsHour*, aired daily, please find listed below examples of average carriage and ratings gleaned from PBS national audience reports for use last year in the Program Fund's annual review and evaluation of the major series it supports.

	Title/day/time	Carriage		Audience total/cume	
		No. of stations	Total	Households	Percent U.S.
American playhouse:					
1986:					
January 20, 1986	The Rise & Rise of Daniel Rocket (Monday/9 p.m.)	246	80	3,180	3.7
February 17, 1986	Adventures of Huck Finn, Part 2 (Monday/9 p.m.)	250	82	4,380	5.1
March 17, 1986	Tell Me A Riddle (Monday/9 p.m.)	221	72	2,920	3.4
April 21, 1986	A Flash of Green (Monday/9 p.m.)	219	72	3,440	4.0
Great performances:					
1985:					
October 7 to 13	Dr. Fischer of Geneva (Friday/9 p.m.)	257	86	3,180	3.7
November 4 to 10	Gospel at Colonus (Friday/9 p.m.)	198	66	1,980	2.3
December 9 to 15	Falstaff (Friday/9 p.m.)	222	73	2,150	2.5
1986:					
January 20 to 26	Heartbreak House (Friday/9 p.m.)	251	82	4,040	4.7
February 17 to 23	DIA: "Streetcar" (Friday/9 p.m.)	264	86	2,660	3.1
March 17 to 23	Cavalleria Rust. (Friday/9 p.m.)	262	86	2,580	3.0
April 20 to 27	Koyaanisqatsi (Friday/9 p.m.)	222	73	2,410	2.8
Frontline:					
1986:					
January 20 to 26	Hostage in Iran (Tuesday/8 p.m.)	267	87	4,810	5.6
February 17 to 23	Tobacco on Trial (Tuesday/8 p.m.)	273	89	4,380	5.1
March 17 to 23	Who's Running This War? (Tuesday/8 p.m.)	269	88	3,090	3.6
April 21 to 27	Down for the Count (Tuesday/8 p.m.)	68	22	600	0.7
Wonderworks:					
1985:					
October 7 to 13	Konrad, Part 1 (Monday/8 p.m.)	257	86	4,720	5.5
November 4 to 10	Seal Morning, Part 1 (Monday/8 p.m.)	260	87	4,120	4.8
December 9 to 15	Bridge/Terabithia (Monday/8 p.m.)	246	80	1,200	1.4
1986:					
January 20 to 26	Booker (Monday/8 p.m.)	273	89	4,900	5.7
February 17 to 23	Anne/Green Gables Part 1 (Monday/8 p.m.)	267	87	5,670	6.6
March 17 to 23	Anne/Green Gables Part 2 (Monday/8 p.m.)	248	81	5,150	6.0
March 17 to 23	On Loan (Monday/8 p.m.)	265	87	3,350	3.9

Question 9. How many members of the CPB staff have previous experience in program production?

All members of the Program Fund staff involved in the evaluation and selection of television programs have previous production experience. This is a major prerequisite for employment. Many are award-winning production executives, either from public or commercial television.

QUESTIONS OF THE MAJORITY AND THE ANSWERS OF MS. TATE

I wish to preface my answers to these pre-hearing questions with a personal reservation.

Several of these questions, including numbers 1 and 6, represent issues with which, I understand, the current CPB Board has wrestled for many months. In fact, alternative financing (i.e., number 5) is an issue with which not only the CPB Board, but also the public broadcasting community generally, and the Congress from time to time, have addressed and not resolved (witness the October 1983 Report to the Congress of the Temporary Commission on Alternative Financing for Public Telecommunications).

Since I have not had the benefit of an in-depth briefing or exposure to most of these issues, my answers necessarily must be tempered with the observation that they may be modified at a later date with exposure to and greater understanding of the more complex issues.

Question 1. As you know, whether the Board of Directors of the Corporation for Public Broadcasting should have any input in determining appropriate program content has been a controversial topic. What is your position on this issue?

Answer. Since the Congressional Declaration of Policy speaks of ". . . diversity of programming . . . freedom, imagination, and initiative . . .," and "a corporation . . . to afford maximum protection from extraneous interference and control," my short answer would be that the Board should not have input in determining appropriate program content. Moreover, from an organizational perspective, I would not expect the Board to be involved in micro-management. Instead, the Board should address and resolve issues of policy, looking to management to implement those policies.

Question 2. What areas of public broadcasting do you consider as deserving top priority?

Answer. Programming, especially children's educational programming and public affairs.

This is the principal product of public television and radio. It is what public broadcasting does best; it is what continues to distinguish public broadcasting from commercial and especially cable offerings.

Question 3. In what areas of public broadcasting do you take special interest?

Answer. Children's educational programming and public affairs; the former as a parent who has watched its influence on her own children, the latter as my professional career interest.

Question 4. One of the issues that has arisen repeatedly in connection with the Corporation for Public Broadcasting is the propriety of federal funding as a method of financing public radio and television. Do you support federal funding as a method of financing public radio and television?

Answer. Yes. It is my understanding that it is federal funding which provides the "seed" money for public broadcasting programming and serves to leverage the final production funding.

Question 5. What are your views on alternative financing for public broadcasting?

Answer. As noted in my preface, alternative financing is an ongoing controversy both within and without the public broadcasting community. It may be incapable of resolution to everyone's satisfaction.

For my part, I believe that all avenues of alternative financing should be examined and reviewed, but we should be careful to avoid associated potential dangers, such as that neither program quality nor editorial integrity be compromised.

Question 6. Do you believe that federal assistance in the production of programs should in any way restrict the subject matter of or viewpoints expressed in such programs?

Answer. No. On the contrary, I believe the need for creative freedom and in the expression of new ideas. Public broadcasting programming should be innovative and free from undue restrictions.

Question 7. Do you support the broadcast of advertisements on public broadcast stations?

Answer. I have mixed feelings on this issue. On the one hand, I appreciate and understand the motivation to support advertising—viz., needed additional money to finance programming. On the other hand, taken to its ultimate and logical end, advertising could take the "non" out of noncommercial public broadcasting. If faced with a choice at this time, and based upon my admittedly limited knowledge, I believe I would err on the side of avoiding the latter outcome. That is to say, I would forsake the lure of advertising revenue to preserve the noncommercial integrity of public broadcasting.

Question 8. Ms. Tate, do you have any experience working in the broadcast field?

Answer. I have never worked for a broadcast station or network as an employee. As a publicist and press secretary I have had extensive experience working with networks and individual radio and TV stations.

Question 9. Does Hill and Knowlton have any entities in the broadcast business as clients? If yes, what companies, what services does Hill and Knowlton provide and do you work directly with any of those clients?

Answer, Hill and Knowlton does not currently represent any of the major networks but does represent a variety of clients with broadcast interests. I am not involved with any of those accounts. Broadcast related accounts include:

	Client	Nature of work
1.	Electronic Industries Association of Korea (members include broadcasters).	Monitoring trade and political issues counseling, marketing, media relations, crisis communications, government relations.
2.	Radio City Music Hall Productions, Inc.	Labor crisis communications counseling, media relations.
3.	WRBQ AM/FM Radio, Tampa, FL.	Media relations, editorial services, counseling.
4.	Estereotempo, Puerto Rico radio station.	Corporate events production, destination marketing, media relations.
5.	VISTA Home Video (production company) New York.	Financial relations.
6.	The Hearst Corp., New York.	Media relations, corporate event production.
7.	Century Telephone Enterprises, Inc., New York (holding company with telephone, cable TV, mobil phone and voice mail interest).	Financial relations.
8.	United States Satellite Broadcasting Co., Inc. Minneapolis; division of Hubbard Broadcasting (satellite distribution programming).	Corporate events production, marketing communications.
9.	Playboy Enterprises, Inc., Chicago (The Playboy Channel).	Financial relations, crisis communications, government and media relations.
10.	QVC Network, Inc. (cable home shopping network), New York.	Financial relations.
11.	North American Phillips, Corp., New York (manufacturer of cable TV systems).	Financial relations, environmental and consumer affairs counselling, media relations.
12.	King Features Entertainment (editorial cartoon syndication), New York.	Entertainment communications, including major broadcast TV and radio news feeds for CPB TV special May 15, 1987.
13.	Barris Industries, New York (movie and tape production for TV).	Financial relations.

Questions of the Majority and the Answers of Mr. Purvis

Question 1. As you know, whether the Board of Directors of the Corporation for Public Broadcasting should any input in determining appropriate program content has been a controversial topic. What is your position on this issue?

Answer. I've heard or read press accounts concerning what has been referred to euphemistically as "content analysis." I further understood that, after receiving a report from its staff, the CPB Board in early March decided not to proceed with a study proposal in this area, rendering the issue moot.

Personally, I believe that programming should be accurate and fair. To me, if this issue is to be addressed at all, it's more properly a management, not a Board of Director's, function to ensure accuracy and fairness.

Thus, my short answer would be that the Board should not have any input in determining "appropriate program content."

Question 2. What areas of public broadcasting do you consider as deserving top priority?

Answer. A more stable, broader based, and hopefully, increased source (or sources) of needed funding.

Question 3. In what areas of public broadcasting do you take special interest?

Answer. Personally, I would like to take a closer look at whether public broadcasting is meeting and serving the needs of, and in the words of CPB's statute, is "responsive to the interests of people both in particular localities and throughout the United States."

While I'm sure that today public broadcasting is striving to meet those needs, I do not think it does any harm, and perhaps it does much good, to re-examine our performance in the context of our Congressional charter.

In summary, I believe I would take special interest in three areas—

First, as noted at the outset, ensuring that public broadcasting (both television and radio) is developing programming that is not elitist, but rather responsive to the broader needs of the American citizenry;

Second, ensuring the educational value of public broadcasting programming, especially for children; this is after all the touchstone of public broadcasting and its heritage; and

Third, ensuring programming by, for and about minorities and women; special interest programming, if you will.

Question 4. One of the issues that has arisen repeatedly in connection with the Corporation for Public Broadcasting is the propriety of federal funding for public broadcasting. Do you support federal funding as a method of financing public radio and television?

Answer. Yes, I strongly support federal funding as a method of financing public radio and television.

After all, we are talking here about "noncommercial educational" broadcasting which is to be innovative and diverse, and for which there most often will not be a ready market. And, it is the federal dollars that provide the "seed" money to leverage the balance of needed production funding to produce this innovative and diverse programming, which the Congress has charged us to provide.

Of course, the backdrop to all of this is the budget deficit problem and the "Gramm-Rudman-Hollings" Act. Nonetheless, I suspect that on a cost-benefit analysis, federal funding of public broadcasting constitutes a very worthwhile investment.

Question 5. What are your views on alternative financing for public broadcasting?

Answer. I invite your attention to my preface to this answer. Alternative financing has been and remains a topic which is debated heatedly in and outside of public broadcasting.

I certainly have no quick or easy solution.

But, I am a strong advocate for making every effort to finding new supplemental sources of financing public broadcasting—both television and radio—with the view of providing greater certainty of funding and planning programming.

Question 6. Do you believe that federal assistance in the production of programs should in any way restrict the subject matter of or viewpoints expressed in such programs?

Answer. No. In fact, my own personal view would be just the opposite. Creativity and innovation could be inhibited and constrained severely with such restrictions. Public broadcasting should be free from any such restrictions.

Question 7. Do you support the broadcast of advertisements on public broadcast stations?

Answer. Now, here I do have some very serious, mixed emotions. But, dependent upon the severity of budget deficit constraints, as acknowledged by me in my answer to question number 4, above, I might err on the side of some form of limited advertising to meet demonstrable funding needs. There is, after all, the "real world" in which we have to live, and yes, survive and hopefully prosper.

But, if forced to this decision of last resort, it would not be without some very real concerns, such as corporate advertisers' influence in programming, to mention but one.

The facts of life are that public broadcasting survives on funding, but its sources are tentative, as well as diverse, including government, private and corporate subscribers, etc. There is little, if any, certitude.

Consequently, I very much want to explore generating funds from a broader base of support. And, this could possibly include advertising, such as information commercials, institutional "soft sell," but all with restrictions on the frequency of such ads and the exposure of the advertisers. In short, I am mindful of the potential pitfalls, but if push came to shove, I would not shy away from exploring it as a possible revenue source, subject, of course, to appropriate safeguards.

Question 8. Mr. Purvis, in your questionnaire you state that your employment with ABC will not result in any conflicts with your responsibilities as a Director of the CPB. Please explain why you believe that your ABC activities relating to the sale and distribution of programming will not conflict with your programming related responsibilities for the CPB?

Answer. There are several reasons why I do not believe my ABC activities will conflict with my "programming related responsibilities" for the CPB.

First, my present capacity at ABC does not involve me in production or scheduling of programming.

Second, by virtue of the markets sought to be served by ABC and CPB (or, more appropriately, PBS, the public television stations, NPR, and the public radio stations), it is highly unlikely that ABC and CPB would be in competition. Actually, the greater likelihood is that we may very well be able to work towards mutually common goals, witness PLUS, the joint project on literacy, and for that matter, ABC's open support for my nomination to the CPB Board of Directors.

Third, I understand that there is precedent in the past for CPB Board members having been employed in commercial telecommunications, although perhaps not one of the three major networks.

Fourth, and finally, a last resort is recusal. By resolution adopted August 24, 1979, the CPB Board of Directors adopted a Statement of Ethical Conduct of Directors, Officers, Employees, and Personal Service Contractors. It provides an affirmative obligation to disclose any real or apparent conflict of interest, and it further provides for disqualification "if the Board of Directors determines that a substantial conflict exists." I believe a copy of this Statement has been forwarded by CPB's General Counsel to both this Committee and to the Office of Government Ethics.

In summary, I believe the likelihood of any real or potential conflict of interest is remote. But, if perchance it should arise, there are checks and balances in places to remedy the situation, and I am fully prepared to abide by those steps should, which I doubt, this last resort become necessary.

QUESTIONS OF THE MAJORITY AND THE ANSWERS OF MR. O'CONNOR

Question 1. As you know, whether the Board of Directors of the Corporation for Public Broadcasting should have any input in determining appropriate program content has been a controversial topic. What is your position on this issue?

Answer 1. I have not and would not support a proposal that the CPB Board directly participate in decisions regarding program content.

Question 2. What areas of public broadcasting do your consider as deserving top priority?

Answer 2. A. Expanded corporate, foundation and public financial support. B. Sustaining maximum funding for children's, current affairs and historical programming.

Question 3. In what areas of public broadcasting do you take special interest?

Answer 3. A. Minority programming and staff training. B. Professional approach to enhancing local financial support for stations. C. All areas of radio programming and production.

Question 4. One of the issues that has arisen repeatedly in connection with the Corporation for Public Broadcasting is the propriety of federal funding for public broadcasting. Do you support federal funding as a method of financing public radio and television?

Answer 4. I support continued and expanded Federal support for public broadcasting. Current Federal support, as as percentage of the total cost of American public broadcasting, is essential to the survival of many facilities in the system.

Question 5. What are your views on alternative financing for public broadcasting?

Answer 5. As noted in my response to question #2, I am convinced that greater public, corporate and foundation support can be garnered provided a unified, professionally directed effort is devised and supported by the system.

Question 6. Do you believe that federal assistance in the production of programs should in any way restrict the subject matter of or viewpoints expressed in such programs?

Answer 6. No. I am aware of the sensitivity of this issue and question the wisdom of direct Federal funding of specific programming.

Question 7. Do you support the broadcast of advertisements on public broadcast stations?

Answer 7. I do not.

Question 8. See same question and same answer of Mr. Hanley.

QUESTIONS OF THE MAJORITY AND THE ANSWERS OF MR. TURNER

Please treat these answers as my "going in opinions," subject to refinement as I gain more knowledge of them from a national perspective. Although I have been an active member of the Board of Directors of an excellent local public broadcasting station for eight years, as a new nominee to the CPB Board my answers to these questions do not reflect the depth of knowledge of some of these issues which I would expect to have when addressing them in the context of CPB decisionmaking, should I be confirmed.

Question 1. As you know, whether the Board of Directors of the Corporation for Public Broadcasting should have any input in determining appropriate program content has been a controversial topic. What is your position on this issue?

Answer. The Board of Directors' input to program content should be restricted to influence which is the result of: (1) broad policies set by the Board; (2) the Corporation's strategy as implemented in a budget approved by the Board which allocates production funds among various categories, e.g., children's programming versus current affairs programming; and (3) if quality and production cost-effectiveness are considered part of "content", then the Board can also be considered to exert influence through its selection of senior management of the Corporation.

The Board of Directors is most properly a policy-making body with responsibility for setting the strategy of the Corporation within the objectives established by the Congress, and for hiring and evaluating the performance of a management whose responsibility it is to implement that strategy.

Organizational performance suffers when boards of directors involve themselves in management tasks. In my opinion, the responsibility for the content of a specific program is management's. The Board's responsibility, through the strategy and budgeting process, is to allocate resources among various program categories. Over time, if CPB's efforts at program production are not viewed as, on the whole, producing programs of high quality and innovation, then that should be considered poor performance of both management and the Board.

Question 2. What areas of public broadcasting do you consider as deserving top priority?

Answer. Without question, the top priority for public broadcasting is its programming: this is the *product* offered to the American people in return for their support. There are substantial changes occurring in technology, funding mechanisms, and signal distribution, as well as "competition" within some program categories which may make it more difficult for public television to differentiate itself in the future.

Our programming has never been better, and our audience support has never been higher, but we must guard against this period becoming our peak. These changes threaten to reduce the quality and number of the program offerings which have distinguished public broadcasting, and which are the reason for its existence.

A second key priority is to maintain the independence and health of public broadcasting's financial support. In my opinion, the most critical factor to the health of public broadcasting as a whole is the strength of its individual stations. I believe the Corporation for Public Broadcasting, with its leadership responsibility for the enhancement of public broadcasting, has opportunities to help expand the pool of outstanding station management candidates, stimulate the development and sharing of better operating "tools" such as accounting systems and marketing strategies, and to recommend to other appropriate bodies policies regarding public broadcasting issues.

A third important priority is attention to the system's physical infrastructure, particularly the planned satellite replacement.

And fourth, I think it is important for public broadcasting that the Corporation for Public Broadcasting be a major source of leadership as the system copes with the challenges of the next few years. This is what it was created to do. This is what should make service on the Board an interesting and useful task. If the management and Board can choose a few issues on which they can work effectively and together, public broadcasting will be strengthened.

Question 3. In what areas of public broadcasting do you take special interest?

Answer. The four areas listed as my answer to the previous question.

Question 4. One of the issues that has arisen repeatedly in connection with the Corporation for Public Broadcasting is the propriety of federal funding for public broadcasting. Do you support federal funding as a method of financing public radio and television?

Answer. Yes, as a method of partial financing.

Today, irrespective of the role of federal financing in the production of specific programs, there is a close connection between federal funding and the financial

health of most local stations, which impacts the ability of those stations to purchase nationally syndicated programs. Thus, federal funding is an important element to the quality of the entire mix of programs which are syndicated nationally. Less federal funding would make it more difficult for public broadcasting to maintain the quality of these distributed programs.

Deficit reduction is an important, widely supported national objective that, more than most cures, is the sum of the pain of its parts. No matter how strongly one supports the overall objective, one instinctively resists one's own ox being gored. But public broadcasting depends on some measure of federal support to maintain its noncommercial nature. While I feel it would also be a mistake to increase the proportion of public broadcasting financing which comes from government funding, I know that a substantial and precipitous reduction in federal support would change public broadcasting to something much less valuable.

Some of the initial responses of current financial pressures—such as the introduction of longer underwriting messages and experimentation with commercials—do not augur well for preservation of the independence and quality we all value so much. But if more member stations can increase the amount of suppport they receive from their local communities and viewers as KQED has, if PBS can broaden its underwriting base, and if federal support remains stable—then, with the help of the public, these challenges of the late 1980s may turn out to be healthy for the public broadcasting system as a whole.

Question 5. What are your views on alternative financing for public broadcasting?

Answer. I am against alternative financing which affects the on-air product of public broadcasting. Viewers and listeners should always expect to find innovative programs of high quality and usefulness when they turn to a public broadcasting station. Any activity which dilutes this expectation, such as underwriting which is any more "enhanced" than it is now, by advertising, by charging guests for apperances on public broadcasting programs, or by renting a portion of the day to commercial operations is extremely dangerous in my opinion. Eventually, I feel public broadcasting would lose its identity in a sea of narrowcast competition, and sometime before, that, its pride.

On the other hand, I feel alternative financing sources which do not affect the on-air product are to be encouraged and are something every well-managed station should emphasize. These include sale of advertising in program guides, rental of facilities, special events, cassette rentals, and sales of ancillary program materials.

Question 6. Do you believe that federal assistance in the production of programs should in any way restrict the subject matter of or viewpoints expressed in such programs?

Answer. Viewpoints expressed during the course of a program may vary widely, and I feel the fact of federal assistance should not restrict them. As to subject matter, consistent with my answer to the first question, I do feel that given indirect federal assistance in the production of programs, through the federal government's partial funding of the Corporation for Public Broadcasting, it is appropriate for the Corporation to allocate such funds among program categories. Therefore, such allocations could, in that way, restrict the subject matter.

Question 7. Do you support the broadcast of advertisements on public broadcast stations?

Answer. No

QUESTION OF SENATOR DANFORTH TO THE NOMINEES

Do you think the "must carry" rules adopted by the Federal Communications Commission are adequate with regard to public broadcasting?

Mr. HANLEY. No, I feel that the rules as I understand them are not firmly enough defined, particularly as relates to time. Congress, for good reason, specifically reserved to PTV parts of the broadcast spectrum in the telecommunications act. Since that legislation, a virtual revolution has occurred within the television industry with the advent of large cable systems, VCR's and the like. Now as then, a special place on cable must be reserved for FCC qualified educational public television which cannot and should not be forced to compete with commercially sponsored channels.

Ms. TATE. I understand that the public television position in the rulemaking was that the FCC should require all cable systems to carry all local public broadcasting stations, with certain exceptions. I think this position was justified in light of public

television's special mandate and its unique dependance on cable carriage. It is unfortunate that the FCC did not adopt this proposal, especially in light of press reports that public television stations are now being dropped by their local cable systems.

At the same time, it must be acknowledged that the FCC did provide greater protection to public television stations than any other service in its new must-carry rule. The FCC apparently recognizes that imposing market-oriented requirements and limitations on public television's cable carriage rights would be inconsistent with its public service mandate.

Two aspects of the FCC's rules are not reasonable. First, the FCC's belief that with an A/B switch all television signals are equal ignores the fact that cable service developed in the first place because some viewers cannot receive a clear signal over-the-air from their local television stations. This inherent condition, particularly in UHF signals, has not changed in the thirty years since cable developed, and will not change in the next five years, however diligently cable operators comply with the new requirements to offer and install A/B switches. Consequently, must-carry rules will be as necessary five years from now as they are today. There is no rational basis for the FCC's five-year sunset provision, and it should be repealed.

Mr. PURVIS. The most obvious problem concerning the adequacy of the new rules is the plan to eliminate them in five years. The FCC has indicated that it believes they will no longer be necessary by that time because television viewers will have A/B switches and antennas big enough to receive over-the-air signals just as well as the signals retransmitted by cable. I do not believe people wh have gotten used to the convenience and clear reception offered by cable service are going to be willing to deal with roof top antennas and often unstable UHF reception. If the rules are eliminated in five years, many public television stations, especially those on UHF channels, that are not carried on their local cable system, will have a very difficult time surviving. It is inconsistent for the government to expect public television stations to provide the services that cannot be expected from commercial broadcasters, which are by definition not supported by the market, and then subject them to the most rigorous market-oriented competition without any must-carry protection.

The rules that will be in place for five years are not all that the Commission could have provide, consistent with the government's long-standing interest in public television. The FCC declined to protect all public television stations from exclusion from local cable carriage. It is possible that public television stations, nursed into existence by their local communities and supported by CPB's federal appropriations, will go dark for lack of must-carry protection. Although this should not happen, the new rules will permit it. On the other hand, the new rules do provide more protection for public television than would other compromises offered during the FCC proceeding on this matter. The new rules seem to reflect an effort by the FCC to balance many competing interests, and to recognize the special needs of public television, even if they do not go as far as they could.

Mr. O'CONNOR. Yes and no. The rules are helpful to public television stations in several ways.

However, the reasonableness of this attempt is undermined by the irrationality of the sunset provision, which will eliminate all must-carry protection for all public television stations in five years. Assuming, as the FCC seems to, that A/B switches will provide the technological "magic wand" that will make this impossible feat possible is quite unrealistic, considering that the reason cable service started many years ago was because many viewers cannot adequately receive local television signals over-the-air. For this reason, I hope the sunset provision will be eliminated from the rules.

Mr. MARSHALL. No, I would modify it in two ways:

(1) Require the cable systems to carry the required public television channel on the same channel as it is carried over the air, unless the station agrees with the change. Otherwise, we will have a loss of identity (and earning power) of the public television station, and the cable system can unfairly capitalize on the goodwill developed by the public television station at that dial location.

(2) Repeal the five-year sunset provision. Not only does it mean the likely death of many more public television stations five years from now, but it will have the effect of inhibiting capital investment in many stations in the meantime. Apparently the

FCC believes that no rules will be necessary in five years because by then all homes will have A/B switches on their television sets, and viewers will watch stations that aren't carried on cable by installing large roof antennas or manipulating their rabbit ear antennas. This assumption does not make sense. I do not believe an over-the-air station—especially one on a UHF channel, as most public television stations are, can reasonably be expected to compete with a station carried on cable.

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